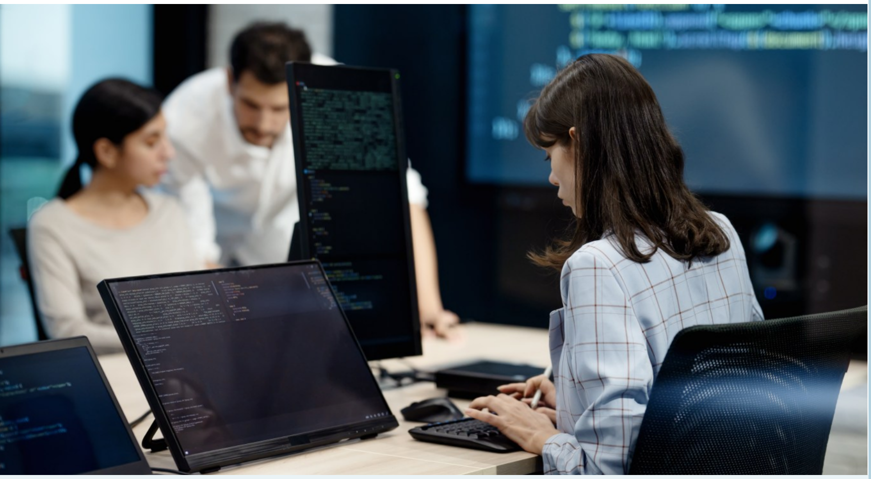
Weekly Digest

• September 8, 2026 •

Tri-Agency Guidance Addresses Requirements for Tobacco Surcharge Programs

"On August 26, 2026, the US Departments of Labor, Health and Human Services, and Treasury (collectively, the "Departments"), issued important new guidance for plan sponsors addressing health-contingent wellness programs titled 'FAQs About Affordable Care Act and Health Insurance Portability and Accountability Act Implementation Part 74' ("2026 FAQs")." **Full Article**

Mayer Brown, LLP



Worth the Wait: After 45 Years, Dependent Care Assistance Programs Finally Get Regulations

"The Internal Revenue Service issued proposed regulations addressing nondiscrimination rules for dependent care assistance programs ("DCAPs") under Section 129 of the Internal Revenue Code (the "IRC"). More than 45 years after DCAPs were enacted under IRC § 129, these proposed regulations provide long-awaited guidance on DCAP nondiscrimination testing and also address employer contributions and nondiscrimination rules for Trump Accounts." **Full Article**

Seyfarth Shaw, LLP

In This Digest

Employers Are Absorbing the Costs of a Surprise Billing Arbitration System

"Six years in, the No Surprises Act (NSA) has delivered on one critical promise: patients are protected from surprise out-of-network medical bills. But new Georgetown University research published in Health Affairs Forefront shows the law's arbitration system is imposing staggering (and exponentially increasing) costs behind the scenes — more than $22.4 billion in estimated costs over just four years — with employers and workers ultimately absorbing the pressure." **Full Article**

The ERISA Industry Committee

HIPAA for Self-Funded Plans and TPAs: The Covered Entity Distinction

"In our earlier post, we covered the basics. A self-funded group health plan is generally a covered entity within the meaning of the Health Insurance Portability and Accountability Act, while the third-party administrator that processes claims is a business associate." **Full Article**

JD Supra, LLC

Navigating the Current Landscape of GLP-1 Coverage

"Attorneys from McDermott Will & Schulte review the costs, benefits and risks for employers to evaluate when deciding how their benefits address these popular medications." **Full Article**

Asset International, Inc

"Double Dip" Health Plans Marketed to Employers: Too Good to Be True

"The rule is simple: When premiums are paid on a pre-tax basis, only amounts paid to reimburse actual, unreimbursed medical care expenses are excludable under the Internal Revenue Code. When premiums are paid on a pre-tax basis and a benefit is paid regardless of whether the employee incurred an out-of-pocket medical expense, that payment is taxable." **Full Article**

Thompson Hine, LLP