

Weekly Digest

• October 6, 2026 •

**EMPLOYEE
BENEFITS**

BCBS Suit Targeting CVS Generic Drug Prices Progresses Toward Trial

"Thirteen Blue Cross and Blue Shield (BCBS) carriers are suing CVS Health over the prices it charges for some generic drugs in its \$4 drug program. The insurance carriers claim that CVS improperly manipulated the 'usual and customary prices' of 'those drugs.'" [Full Article](#)

Hall Benefits Law, LLC



No Surprises Here: Second Circuit Holds IDR Awards Should Be Enforced Administratively, and Not Through Private Plaintiff Lawsuits

"On September 17, 2026, the Second Circuit held that a provider holding more than \$3 million in unpaid IDR awards has no private right of action to enforce them, leaving administrative complaints to regulators as its only recourse. The decision in *East Coast Advanced Plastic Surgery, LLC v. Cigna Health & Life Insurance Co.* marks an important development in litigation regarding the enforceability of IDR awards in federal courts. Dispute volume has vastly exceeded what regulators projected. In 2025 alone, total dispute initiations reached 2.56 million, roughly 115 times the government's initial estimate." [Full Article](#)

Groom Law Group

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What Goes Around: IRS Audits of Fixed Indemnity Health/Wellness Benefit Plans that Offer Purported Tax Savings

"The Internal Revenue Service (IRS) has begun to audit fixed indemnity health/wellness benefit plans that have been marketed by promising significant payroll tax savings to employers and employees. The IRS has long disagreed with the claimed tax treatment, issuing a steady stream of guidance since 2016 disagreeing with various iterations of such plans. However, the law and guidance in this area is complicated, and promoters offer opinions supporting the legality of these programs that can lead employers to potentially misinterpret the rules on benefits that can be excluded from employee income." [Full Article](#)

Morgan, Lewis & Bockius, LLP



CMS and SBA Rebrand ICHRA as CHOICE Arrangements: Here's What You Need to Know

"In a recent announcement, the Centers for Medicare & Medicaid Services (CMS) and U.S. Small Business Administration (SBA) held a press conference announcing the rebrand of Individual Coverage Health Reimbursement Arrangements (ICHRA) as CHOICE Arrangements. The event was held in Indiana to highlight the state's 2024 law establishing the nation's first tax credit for small businesses offering ICHRA and to encourage other states to consider similar incentives, to increase awareness and uptake of the model. Qualifying Indiana employers with fewer than 50 employees can receive an ICHRA tax credit of up to \$400 per covered employee in the first year and \$200 per covered employee in the second." [Full Article](#)

TechTarget, Inc

REMINDER: October 15 Is the Deadline for Prescription Drug Notices and the Extended Deadline for Form 5500s

"Does your company's health plan provide prescription drug coverage? If so, you have until October 15, 2026 to send a notice to individuals who are enrolled in Medicare Part A or Part B and are eligible for the company's health plan. The notice lets recipients know whether the company's prescription drug coverage is 'creditable' or 'non-creditable.'" [Full Article](#)

JD Supra, LLC



Trump Accounts Are Imminent: Employee Benefit Considerations

"Trump Accounts, a new tax-advantaged individual retirement account (IRA) intended for the benefit of minor children, were established under Internal Revenue Code (Code) Section 530A as part of the One Big Beautiful Bill (OB3) Act of 2025. These new accounts may be established for the benefit of children under age 18 with a valid social security number, and contributions can begin as early as July 4, 2026." [Full Article](#)

Trucker Huss, APC