

Weekly Digest

• February 10, 2026 •



EMPLOYEE
BENEFITS

PBM Reform: The Intersection of Legislation and Regulations

"The government funding bill that was signed into law on February 3, 2026, contains three reforms that apply to Medicare Part D and two that apply to commercial PBMs. The DOL issued a proposed rule on January 29, 2026, to require commercial PBMs to report on several transparency measures to plan fiduciaries of self-insured group health plans subject to ERISA." [Full Article](#)

McDermott+

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Are Employers Ready to Stomach Employees' Growing Appetite for GLP-1s?

"There are a variety of creative options for employers who want to provide access to GLP-1 drugs prescribed for weight loss but who also want to contain costs. But, as with any benefits program, each employer must carefully consider the associated risks with these options and ensure they can be tailored to suit the employer's individual needs. These options include health reimbursement accounts and health flexible spending accounts." [Full Article](#)

Boutwell Fay, LLP

Second Tobacco Premium Surcharge Case Dismissed

"More than 50 lawsuits have been filed against employers challenging their imposition of a premium surcharge on participants who use tobacco. The recent decisions by the Eastern District of Missouri and the District of Rhode Island mark a potential shift in favor of employers in the current wave of tobacco premium surcharge litigation." [Full Article](#)

Groom Law Group



Trump Accounts: A New Player in the Employee Benefits Lineup

"Perhaps the biggest open question: Will Trump Accounts be subject to ERISA? Until guidance arrives, employers face uncertainty about fiduciary obligations, reporting requirements, and administrative burdens. Early adopters like the major financial institutions have the resources and expertise to navigate ambiguity. For most employers, waiting for final regulations and ERISA guidance before committing may be the prudent path." [Full Article](#)

Amundsen Davis, LLC

HHS Announces Civil Monetary Penalties for HIPAA, MSP, and SBC Violations, Effective January 28, 2026

"HHS has announced adjustments to civil monetary penalties for statutes within its jurisdiction. The latest amounts are based on a cost-of-living increase of 1.02598%. These adjustments are effective for penalties assessed on or after January 28, 2026, for violations occurring on or after November 2, 2015." [Full Article](#)

Thomson Reuters / EBIA



Department of Labor (DOL) Provides Lifeline to Unintentional MEWAs

"The penalty for failing to file a Form M-1 is almost as severe as the penalty for failing to file a Form 5500, at a rate of \$1,992 per day in penalty fees. MEWAs and Entities Claiming Exception required to file Form M-1 are now eligible to correct late filings under DFVCP. For self-insured plans, many states also have filing and approval requirements as well as requirements to keep a reserve with the state's Department of Insurance." [Full Article](#)

Bricker Graydon, LLP