

# Weekly Digest

• May 5, 2026 •



## First Circuit Rejects Another ACA Section 1557 Claim Challenging Weight-Loss Drug Exclusion

"This decision ... may offer some reassurance to plan sponsors that have similar plan exclusions, as it holds that a broad exclusion for weight-loss drugs does not, by itself, state a claim for disability discrimination under ACA Section 1557. However, the legal landscape is still evolving, and other courts could reach different conclusions."

[Full Article](#)

*Thomson Reuters / EBIA*



## Sixth Circuit Rules ERISA Preempts Portions of Tennessee's PBM Laws

"Self-funded ERISA plans in Tennessee are not required to admit any-willing-provider to their networks or to refrain from financial incentives that direct participants to preferred pharmacies. Plan sponsors retain the flexibility to design pharmacy benefit programs, including tiered networks, cost-sharing differentials, and preferred pharmacy arrangements, without interference from the invalidated Tennessee provisions."

[Full Article](#)

*Krieg DeVault, LLP*

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*By, Thomson Reuters / EBIA*

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## The 2025 Mental Health Parity Report to Congress: Practical Takeaways for Plan Sponsors

"The DOL engaged in less correspondence with health plans and issuers about the NQTLs at issue, but also issued more initial determination letters in the same time period. This indicates that the DOL proceeded with citing MHPAEA violations while asking fewer questions.... CMS issued far more insufficiency letters ... CMS noted there were many times where there was no comparative analysis, and that additional information was still needed even after reviewing the comparative analyses. Both the DOL and CMS issued more final determination letters in 2025 than in prior years showing that they are increasingly willing to cite a plan or issuer ... for providing deficient comparative analyses." [Full Article](#)

*Thompson Hine, LLP*



## OCR Announces HIPAA Enforcement Action Against Self-Funded Group Health Plan

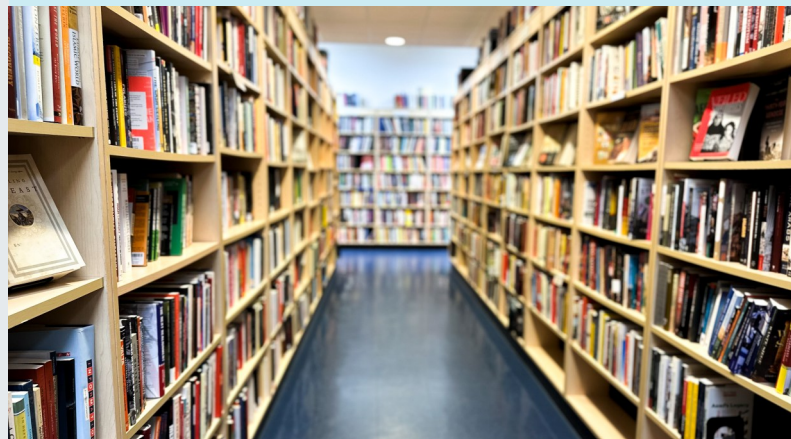
"While HIPAA enforcement is common in the healthcare sector, actions directly against employer-sponsored group health plans are not as common. This case, coupled with DOL guidance for ERISA fiduciaries concerning cybersecurity, underscores a growing regulatory focus not only on traditional healthcare entities, but also on the plans and ecosystems maintained by employers under ERISA." [Full Article](#)

*Jackson Lewis P.C.*

## The Case for Pursuing Overpayment Recovery and Underpayment Remediation: A Guide for Plan Sponsors and Trustees of ERISA-Regulated Health and Welfare Plans (PDF)

"The purpose of this report is to inform ERISA health plan sponsors and trustees about why it is vital to address provider errors -- meaning recovering provider overpayments and correcting underpayments. The report also offers advice for choosing a vendor specializing in these services." [Full Article](#)

*TPA NETWORK Research Consortium, Ltd.*



## IRS Revises FAQs on Educational Assistance Programs

"The **2026 FAQs** clarify that, unlike other expenses, an employee may incur Student Loan expenses prior to employment.... The 2026 FAQs revised language from the **2024 FAQs** to make clear that the employer 'must' (rather than 'can') inform the employees about the program and its terms. The 2026 FAQs reflect the OBBBA indexing provision, beginning in 2027." [Full Article](#)

*Groom Law Group*