

2023 Summer National Meeting

Seattle, Washington

EMPLOYEE RETIREMENT INCOME SECURITY ACT (ERISA) (B) WORKING GROUP

Sunday, August 13, 2023

11:30 – 11:45 a.m.

Meeting Summary Report

The Employee Retirement Income Security Act (ERISA) (B) Working Group met Aug. 13, 2023. During this meeting, the Working Group:

1. Heard an update from the U.S. Department of Labor (DOL) on two Notices of Proposed Rulemaking (NPRMs):
 - A. The parity NPRM proposes amendments to regulations implementing the federal Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 (MHPAEA) and new regulations implementing the non-quantitative treatment limitation (NQTL) comparative analyses requirements under the MHPAEA, as amended by the federal Consolidated Appropriations Act, 2021 (CAA, 2021).
 - B. The short-term, limited-duration (STLD)/fixed indemnity NPRM proposes rules to amend the definition of short-term, limited-duration insurance (STLDI), which is excluded from the definition of individual health insurance coverage under the federal Public Health Service Act and sets forth proposed amendments to the requirements for hospital indemnity or other fixed indemnity insurance to be considered an excepted benefit in the group and individual health insurance markets. The proposed rule also includes a comment solicitation on level-funded arrangements.
2. Discussed level-funded plans.
3. Received an update on revisions to the NAIC multiple employer welfare arrangement (MEWA)/multiple employer trust (MET) chart. The chart will be circulated to the states to be updated.
4. Adjourned into regulator-to-regulator session, pursuant to paragraph 2 (pending investigations), paragraph 3 (specific companies, entities, or individuals), and paragraph 8 (consideration of strategic planning issues relating to federal legislative and regulatory matters) of the NAIC Policy Statement on Open Meetings, to continue work on its goals.