



It Benefits You

Your Employee Benefits Newsletter

November 2024

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McGriff Brings You Mineral!

“Small cheer and great welcome makes a merry feast.”

- William Shakespeare

Whether juggling open enrollment, preparing for the year ahead, or simply planning for a season of feasting, Thanksgiving is also a time to reflect on the things we are grateful for. It’s easy to get swept up before taking stock of the things that bring us cheer. In that spirit of gratitude, McGriff thanks you for your partnership and for trusting us as your Benefits Consultants. Our Account Teams, National Specialty Practices and preferred vendors strive to continue to provide you with the best service and an exceptional experience.

Key Trends
Pharmacy and Managed Care

November 21 | 2:00 pm EST | 1.0 HRCI/SHRM

While overall rising healthcare costs are areas of significant concern for everyone trying to balance healthcare needs with affordability, the Centers for Medicare and Medicaid Services expect prescription drug spend to be the fastest growing healthcare expense over the next decade. It is predicted that plan sponsors will be investing a significant and increasing portion of total healthcare spend into their pharmacy benefit coverage.

Join our McGriff Pharmacy Benefits Practice Leader to explore emerging drug development, market trends and future considerations that will impact plan sponsors and their participants.

[Register](#)

Upcoming Compliance Deadlines

December
15

Summary Annual Report Extended Deadline for Calendar Year Plans

A Summary Annual Report (SAR) summarizes a plan's Form 5500 annual report, provides a financial statement regarding the plan, and informs participants of their rights to receive additional information. Generally, the plan administrator provides the SAR within nine months of the close of the plan year; however, if an extension to file Form 5500 is obtained, then the plan administrator must furnish the SAR within two months after the close of the extension period. For calendar year plans, that deadline is December 15.

December
31

Gag Clause Prohibition Compliance Attestation

The Consolidated Appropriations Act of 2021 prohibits plans and issuers from entering into agreements with health care providers, third-party administrators (TPAs) and other service providers that would restrict the plan or issuer from providing, accessing or sharing certain information about provider pricing, quality of care, and de-identified claims.

Plans and issuers must submit an attestation of compliance with these requirements using the CMS Health Insurance Oversight System (HIOS). This annual requirement, covering the period through the date of the last attestation, must be filed by December 31. We have updated our [McGriff recorded tutorial](#) to assist employer group health plan sponsors if their carrier/TPA is not willing to complete the attestation on their behalf.

New HIPAA Rules Require Health Plans to Update Policies By December 23

Earlier this year, the U.S. Department of Health and Human Services (HHS) issued a [final rule](#) to strengthen HIPAA privacy protections related to reproductive health care. The new protections prohibit the use or disclosure of protected health information (PHI) related to lawful reproductive health care to:

- Conduct a criminal, civil or administrative investigation into or impose liability on a person for merely seeking, obtaining, or facilitating reproductive health care that is lawful under the circumstances; or
- Identify any person for the purpose of conducting such investigation or proceeding.

In addition, regulated entities must obtain a valid attestation when a request is made to use or disclose PHI potentially related to reproductive health care to ensure the use or disclosure is permissible.

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While the rule took effect on June 25, 2024, covered entities and business associates must comply with the new privacy restrictions by Dec. 23, 2024. By this date, employers sponsoring self-funded health plans and employers with fully insured health plans that have access to PHI (i.e., “covered entities”) should:

- **Update HIPAA privacy policies and procedures** to address when PHI can be disclosed for certain activities related to an individual’s reproductive health care and when a signed attestation will be required before doing so;
- **Review Business Associate Agreements** to determine if updates should be made to ensure compliance with these new privacy protections;
- **Train affected members of the workforce** (including employees, contractors and third-party vendors) who may have access to PHI; and
- **Adopt an attestation form** to be used when a request is made to use or disclose PHI potentially related to reproductive health care (HHS has provided a [model attestation form](#) that employer-sponsored health plans may use to ensure a requested use or disclosure of PHI complies with the new privacy protections).

By February 16, 2026, covered entities must also update their HIPAA Notice of Privacy Practices to incorporate the new requirements, explain when an attestation

is required, and add descriptions and examples of prohibited uses and disclosures of PHI under the new rule. HHS is expected to release updated model notices prior to this deadline.

To assist with these required action steps and to help employers understand and comply with the new HIPAA privacy and security rules, the McGriff Employee Benefits Compliance Team has updated two helpful resources:

- The [McGriff HIPAA Privacy and Security Compliance Toolkit](#) provides an overview of the privacy, security and breach notification rules and includes resources such as compliance checklists and sample policies. Specifically, the Sample HIPAA Privacy Policy has been updated to include the above protections for reproductive health care, and the HHS Model Attestation Form has been added.
- [McGriff’s HIPAA Privacy and Security Overview Webinar](#) also covers these rules along with practical steps plan sponsors can take to meet their HIPAA administrative and training obligations.



Christy Showalter, JD
McGriff EB Compliance Officer



Three Signs Your Wellness Program Might be a Failing Investment

Employee wellness programs are now a common practice for organizations seeking to boost productivity, enhance employee satisfaction, and reduce healthcare costs. However, not all of them yield positive returns. Here are three signs your wellness program might be a failing investment, and what you can do to turn things around.

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1. Lack of Leadership Support

One of the most critical factors in the success of any wellness program is strong leadership support. A peer-reviewed study from the American Journal of Health Promotion revealed that “employees reporting higher levels of leadership support for health promotion also reported higher levels of wellness activity participation, lower job stress, and greater levels of health behavior.”

On the other hand, when executives and managers do not prioritize or engage with wellness initiatives, employees are less likely to take these initiatives seriously. Without visible commitment from the top, the program may be perceived as a mere checkbox exercise rather than a genuine effort to improve employee well-being. This lack of support can lead to low participation rates and a culture that does not value wellness, ultimately undermining the program's effectiveness.

How do you get your leaders engaged?

1. Show them the difference that leadership makes. Share / summarize articles like the one mentioned above.
2. Show them a projected or existing ROI (Return on Investment) or VOI (Value on Investment). Ask your wellness program vendor to develop a business case (if your vendor can't do that, you're likely throwing money away).
3. Make engagement and advocacy easy for your leaders. For example, walk them through enrollment in the wellness program and craft the communications (slides, emails, etc.) they can use to advocate for the program. Furthermore, after their experience, have them share a testimonial.

2. Absence of Data Analytics

Effective wellness programs rely on data to guide strategy and gauge performance. If your organization is not utilizing analytics to assess employee needs, track participation, and measure outcomes, you may be wasting resources. Without a clear understanding of the pain points in your population's health and of the programs to effectively address those pain points, it becomes challenging to tailor initiatives that address the actual needs of employees. Programs lacking analytical insights can easily become generic and ineffective at engaging participants, leading to subpar results and lost investment.

How do you use analytics to inform your wellness program design or evaluation?

1. Invest in a claims analytics platform such as Cotiviti or Springbuk to provide deeper insights into your population health.
2. Ask your insurance broker to provide insights from the platform and weigh in on decisions regarding health and wellness needs.
3. Ask your vendor for performance metrics beyond engagement, such as improvements in specific health risk factors or qualitative results across the participant population.
4. Work with your wellness program vendor to evaluate the program's performance. If it is not performing well, be prepared to collaborate with your vendor on an action plan to improve your program or be prepared to drop or replace it (not just let it languish).

3. Low Employee Engagement

Substantive employee engagement is essential for any wellness program to succeed and be sustainable. If your program is consistently seeing low participation, it may indicate a disconnect between what is offered and what employees actually want or need. You could be guilty of conducting a “random act of wellness.”

How do you increase engagement?

1. First, make sure there's a need for the program. A program that fails to resonate with its audience can lead to wasted funds and resources, as well as employee frustration.
2. As mentioned earlier, look for leadership to engage and advocate for the program.
3. Assuming you have the above two in place, conduct surveys or feedback sessions to help identify barriers to engagement. It boils down to three areas:
 - a. **Awareness** – if there is a lack of awareness, evaluate your marketing and communications strategy.
 - b. **Interest** – if the program is perceived as irrelevant, assuming it is a fit for your population, re-examine your messaging and enlist participating employees to help craft what works for them. Employees could even provide testimonials (anonymized if they wish) to inspire others to engage.

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c. **Adoption** – if there are logistical challenges, examine your processes or the vendors' onboarding process to determine if either can be adjusted to relieve friction points in the enrollment process.

Conclusion

While investing in employee wellness is undeniably important, organizations must approach these programs with a strategic mindset. Recognizing the signs that indicate a poorly performing wellness initiative can save time, resources, and employee morale. By ensuring leadership support, leveraging data analytics, and fostering employee engagement, companies can maximize the effectiveness of their wellness programs. If your program exhibits any of these warning signs, follow the suggestions listed above to adjust course. If you can make headway, you can set the program on a course to ensure a better return on investment.

References:

- Hoert J, Herd AM, Hambrick M. The Role of Leadership Support for Health Promotion in Employee Wellness Program Participation, Perceived Job Stress, and Health Behaviors. *American Journal of Health Promotion*. 2018;32(4):1054-1061.

McGriff Wellness Solutions

If you're interested in wellness solutions that have a strong track record of getting engagement and producing results, check out [Peak Health](#), a wholly owned subsidiary of McGriff.

Peak Health uses nurses to provide outcomes-driven health risk assessment and wellness coaching. To connect with [Peak Health](#), contract your McGriff Employee Benefits Consultant.



Nirav Desai
SVP and Managing Director, Peak Health

Set Your Self-Funded Health Plan Up for Success in 2025

At McGriff, we believe that data is the key to building a successful benefits strategy. But data alone isn't enough—it's how you use it that makes the difference. By partnering with our Insights and Analytics Specialty Practice, you can get ahead with your strategic planning for 2025.

Our team has been following key trends and helping clients make smart, data-driven decisions using McGriff Health Plan Insights. With this platform, we'll help you analyze your plan's performance and provide customized recommendations to guide your strategy, track progress, and measure results.

Data analytics will help you identify what's driving costs in your health plan and allow you to create an action plan to address them. Key trends we're seeing include utilization management, specialty pharmacy, biosimilars, and the growing number of chronic conditions.

One major trend we've helped many employers understand is the rise in popularity of GLP-1 drugs like Ozempic, Mounjaro, and Wegovy. These drugs have been around for nearly a decade, primarily for diabetes management. But in the last 18 months, they've become much more popular for weight loss. Manufacturers are also exploring their use for other conditions like heart disease and dementia.

With these new indications on the horizon, it's important for your company to have a plan in place. Right now, most of these medications cost over \$1,000 per prescription, and employer costs for this drug class have increased by more than 60% in the past year. These drugs now account for about 5% of all medical and pharmacy costs on average. We've found that companies lacking data often struggle to make informed decisions about covering these drugs. But by analyzing historical data alongside workforce demographics, companies can make decisions that best suit their needs.

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Another important area of focus is mental health benefits. Many employers want to understand why some employees may be facing challenges in accessing these resources. Increasing utilization in this area can lead to more productive and fulfilled employees. By analyzing who is using the benefits – and who is not – you can create a strategy to better support those in need. Using your data in the right way can help you answer these questions so you can focus on implementing solutions that will truly make a difference.

Stop guessing whether or not your benefits plan is working. Let the data guide you to the right decisions, so you can achieve your cost-saving and employee engagement goals. Make your benefits package targeted and meaningful to your workforce!

By Nick Pearce and Katherine Ragland
McGriff EB Insights & Analytics

Preparing Your Workplace for Severe Weather

Is your organization prepared for severe weather and natural disasters? This year has brought record-breaking heat, catastrophic flooding, wildfires, and other major events.

When severe weather strikes, you may have very little time to act. Communication with employees won't be timely and may not even be possible. Commuting to and from the worksite—and the worksite itself—might not be safe.

As we head into the winter season, you need a plan. Your employees need to be trained to follow that plan—whether they work on-site, at home, or elsewhere.

Drafting a Plan

Start by identifying the potential risks inherent to your business and geography and how each disaster might cause disruptions to your business. These could include impassable roads, utility failures, unsafe working conditions, employee displacement, or physical destruction of your facilities. Explain applicable safety measures for each risk, and provide relevant information (maps, evacuation routes, safe zones, etc.). Try to build in reasonable contingencies for things like power failures,

understanding that they may last for hours, days, or even weeks. The plan should also delineate roles and responsibilities so that employees know whom to contact for questions and further instructions.

Communication

Consider what alternative means of communication may be operable in these situations. In some cases, you might need to post information to a central location or system so that employees can connect when their service is restored. Some examples include:

- Web pages or voice recordings that can be updated by a key employee with access to phones or internet
- Software that automatically sends text messages, emails, or voice mails to your entire staff to notify them of updates

If none of those are feasible for your business, instruct employees ahead of time on what work and safety procedures they should follow when communication is limited or impossible.

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Your communication with employees should also include their travel options if their work must be done on-site. Conditions will not be the same everywhere. Roads may be impassable. Power may be out on one side of the city but not the other.

Flexibility

Even if you have a no-call, no-show termination policy you usually follow, provide as much flexibility as you can during times of severe weather or natural disasters. Your attendance policy should allow for management discretion in emergencies so you have more leeway to make exceptions to your rules. When deciding how to respond to absences in the aftermath of a storm or during extreme weather conditions, consider employee morale and your reputation in the larger community.

Employees may be able to commute to work following severe weather, but may be hesitant due to safety concerns. In such cases, take an empathetic approach. Ask them if they feel safe traveling, listen to any concerns they have, and work with them to find a solution. That may mean allowing them to work from home or enabling them to take time off in accordance with your policy. It could also mean reevaluating your business hours during the crisis.

Closures and Pay

If you decide to close due to inclement weather, nonexempt employees only need to be paid for hours actually worked. That said, employers in these situations generally allow the use of vacation or paid time off (PTO) if nonexempt employees have it available.

Most exempt employees must be paid their regular salary when the company closes due to inclement weather. This holds true whether the office closure is for full or partial days, unless the employee does no work at all for an entire workweek. You can, however, require exempt employees to use accrued vacation or PTO during a closure if you have a policy stating that, or if doing so has been your practice in the past.

Additional Support

When weather becomes so severe that employees need to evacuate their homes, consider offering to cover hotel and travel costs. For example, a policy might state that any employee whose household is affected by a natural disaster that triggers an emergency declaration by local or state officials is eligible to receive a credit for up to a certain number of nights of lodging or a certain dollar amount. Lifting some of the financial burden can help them get where they need to go and stay safe. Crisis benefits are an investment in their safety and success.

After a severe weather incident or natural disaster, your employees may be looking for opportunities to help others in their community or elsewhere. Consider organizing a donation drive, sponsoring an event, or providing employees with PTO for volunteer work.

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Weathering the Storm

McGriff's 2024 Weathering the Storm Guide can help clients prepare for, respond to, and recover from a severe weather event.



[Click Image to Access the Guide](#)

McGriff Brings You Mineral!

November 19 | 2:00 pm EST

McGriff is excited to provide our Employee Benefits clients with MINERAL – a robust web-based HR and compliance resource. Through your McGriff relationship, you have access to **Mineral Live**, a team of HR experts standing by to answer your questions or provide advice on virtually every HR or compliance-related issue; **Mineral Comply**, an award-winning online resource center for all of your workforce issues, including a Living Handbook Builder; and **Mineral Learn**, an incredible online training platform with more than 250 web-based courses for your employee training needs.

Join us to learn about these exciting features and many more within your McGriff-provided Mineral account.

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