





COBRA

Treat COBRA coverage as creditable coverage for Medicare, the same way that similar employer-sponsored insurance is already treated as creditable.

H.R. 2564 | Reps. Kurt Schrader (D-OR) and Gus Bilirakis (R-FL) TBD | Sen. Todd Young (R-IN) and Sherrod Brown (D-OH)

Observation Status

Allow observation stays to be counted toward the three-day mandatory inpatient stay for Medicare coverage of a skilled nursing facility.

Currently, Medicare beneficiaries who are not officially admitted to a hospital may be classified under "Observation Status," which is treated as an outpatient procedure for billing purposes. This may lead patients, many who are extremely sick and spend many days in the hospital, to be charged for services that Medicare would have otherwise paid had they been admitted.

H.R. 1682 | Reps. Joe Courtney (D-CT) and Glenn Thompson (R-PA)

S. 753 | Sen. Sherrod Brown (D-OH) and Susan Collins (R-ME)



Health Savings Accounts

Allow seniors covered under Medicare to continue contributing to HSAs after age 65.

- Anyone enrolled in Medicare, either traditional fee for service or Medicare
 Advantage plans (including Medicare Advantage MSA) can open an HSA and
 fund it to the HSA individual maximum.
- Those who already have an HSA can fund their account after they enroll in Medicare.
- Working seniors can enroll in Medicare and still be HSA eligible, even if they have employer sponsored-coverage.
- Align rules for all HSAs with current beneficiaries.

H.R. 3796 | Reps. Ami Bera (D-CA) and Jason Smith (R-MO)

BENES Act

Beneficiary Enrollment Notification and Eligibility Simplification

- Requires notices to individuals approaching Medicare eligibility on when and how they should enroll in coverage.
- Notices would be sent six months prior to an individual's Initial Enrollment Period (IEP) and again one month prior to the IEP.
- Establishes a one-stop website for enrollment content that covers both Medicare and Social Security.
- NAHU included language to have health insurance agents and brokers be listed as stakeholders to be consulted on the notice development.

H.R. 2477 | Reps. Raul Ruiz (D-CA) and Jackie Walorski (R-IN) 5. 1280 | Sens. Todd Young (R-IN) and Bob Casey (D-PA)

Medicare Access and CHIP Reauthorization Act of 2015

NAIC determined Med Supp changes:

- 1/1/2020 plans C, F and HDF cannot be sold to new Medicare eligibles
- Plans D and G become the GI/Open Enrollment plans
- Plans C, F and HDF can be sold to those already on Medicare

Balance/Surprise Billing

NAHU is committed to working with policymakers at both the federal and state levels to address the issue of surprise and balance medical bills. The NAHU Legislative Council's special Balance-Billing Workgroup is specifically tasked with identifying potential solutions and proposing them to policymakers.

S. 1895 | Lower Health Care Costs Act
Sens. Lamar Alexander (R-TN) and Patty Murray (D-WA)

H.R. 3630 | No Surprises Act Reps. Frank Pallone (D-NJ) and Greg Walden (R-OR)

S. 1531 | Stopping The Outrageous Practice of (STOP) Surprise Medical Bills Act (Arbitration)

Sens. Bill Cassidy, (R-LA), Michael Bennet (D-CO), Todd Young (R-IN),

Maggie Hassan (D-NH), Lisa Murkowski (R-AK) and Tom Carper (D-DE)

Balance/Surprise Billing

Benchmarking: Lowers overall costs for consumers and ends price-gouging by certain medical providers. A payment benchmark aligned with local in-network rates will allow out-of-network providers to continue to be reimbursed at competitive, market-based levels, and patients will no longer be taken advantage of in the emergency room or on the operating table.

Arbitration: Added bureaucracy with out-of-network rate setting decisions made by a third party would increase patients' health insurance premiums, drive up the cost of medical care and add to the federal deficit, and result in less overall transparency.

Recent Hearings & Announcements

April 2 - Education and Labor HELP Subcommittee reviews issue with stakeholders May 21 - Ways and Means Health Subcommittee reviews issue with stakeholders June 12 - House E&C Health Subcommittee reviews draft version of H.R. 3630

June 26 - Senate HELP Committee markup advances 5. 1895 to full Senate

July 10 - House E&C Health Subcommittee markup advances H.R. 3630 to full committee

July 18 - House E&C Committee markup advances H.R. 3630, adds arbitration amendment

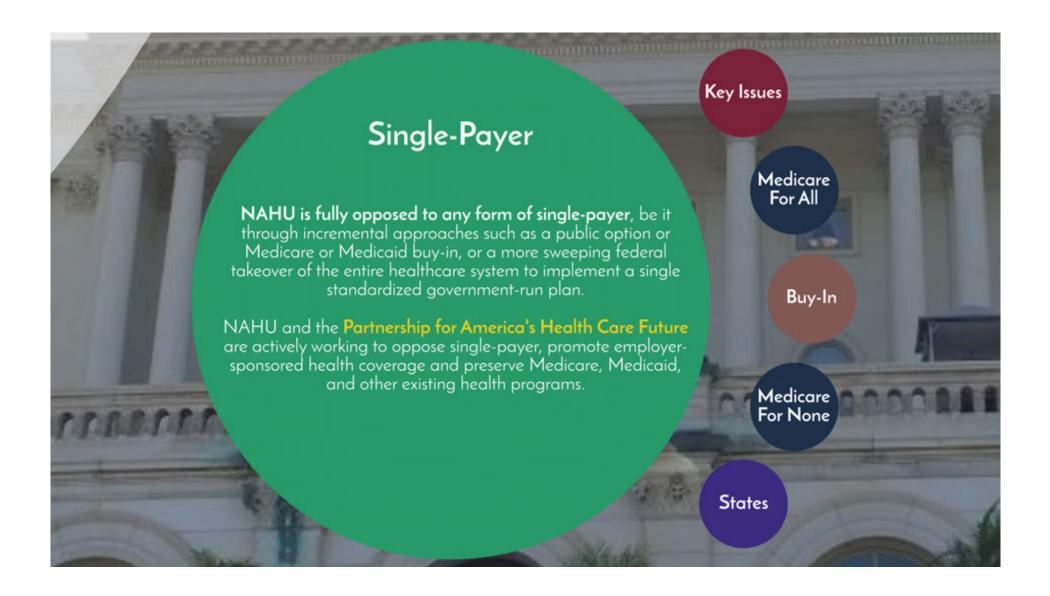
May 9 - President Trump announced a list of principles his Administration plans on applying in proposals to address surprise medical bills. These were later adopted into 5. 1531 led by Senator Bill Cassidy (R-LA).



Prescription Drug Transparency

In April 2019, the House Ways and Means Committee unanimously advanced H.R. 2113, the Prescription Drug Sunshine, Transparency, Accountability and Reporting (STAR) Act

- Requires manufacturers to justify large price increases (more than 10% or \$10,000 over one year or 25% or \$25,000 over three years)
- Sets reporting requirements of the value and amount of drug samples given to providers;
- Establishes reporting requirements on drugs furnished for inpatient settings;
- Requires public disclosure of rebates, discounts, and other price concessions by PBMs;
- Requires reporting of average sales prices for physician-administered drugs under Medicare Part B.



Key Issues Affecting the Election

Healthcare was the #1 cited issue among voters, beating economy for first time in a decade.

Despite media narrative on Medicare-for-All, voters signaled they want pragmatic, bipartisan solutions to the challenges in the healthcare system.

- Among competitive elections:
 - 71% of Democrats who won (32 of 45) did not support Medicare for all.
- Among Democratic pickups from Republicans:
 - 86% of Democrats (30 of 35) did not run on Medicare for all.
- Only 2 of the 967 ads run by Democrats in competitive House races since Labor Day mentioned Medicare for all.

Medicare For All

S. 1129 | Sen. Bernie Sanders (I-VT) + 14 original co-sponsors H.R. 1384 | Rep. Pramila Jayapal (D-WA) + 106 original co-sponsors

- Implements a single-payer system to include health, dental, vision, prescription drug, and long-term care coverage.
- Existing individual and employer-based coverage would be replaced by the plan, and it
 would be illegal for any private insurance to compete with the government run plan,
 although limited private coverage would be available for any services not covered by the
 plan.
- Transition period: Coverage would be available at the end of the first transition year for current Medicare enrollees, people over age 55 and those under 19. Individuals could buy into coverage through the ACA marketplaces and employers would be able to purchase the public plan for their workers. All Americans would be automatically enrolled by the end of the second year (fourth year for Senate version).

CBO Report on Single-Payer

"Medicare For All 'Could Adversely Affect Access To And Quality Of Care'"

"Substantial Uncertainty...from political and budgetary processes"

"Patients might face Increased Wait Times And Reduced Access To Care"

"Participants Would Not Have A Choice Of Insurer Or Health Benefits"

"Might Not Address The Needs Of Some People"

"Would Probably Reduce The Amount Of Care Supplied"

"Could Lead To A Shortage Of Providers, Longer Wait Times"

Medicare/Medicaid Buy-In

NAHU strongly opposes all single-payer health insurance proposals, to include Medicare for All, Medicare buy-in, Medicaid buy-in, or a public option.

"Medicare for More" (allows those aged 50-64 to buy into current Medicare coverage)
S. 470 | Sen. Debbie Stabenow (D-MI) +20 co-sponsors
H.R. 1346 | Rep. Brian Higgins (D-NY) +45 co-sponsors

Medicare "X" Buy-In (public option plan parallel to Medicare coverage)
S. 981 | Sen. Michael Bennet (D-CO) + 11 co-sponsors
H.R. 2000 | Rep. Antonio Delgado (D-NY) +18 co-sponsors

Medicare "E" Buy-In (allows everyone, including with private/employer plans, to buy Medicare)
S. 1261 | Sen. Jeff Merkley (D-OR) +14 co-sponsors
H.R. 2463 | Rep. Cedric Richmond (D-LA) +5 co-sponsors

Medicaid Buy-In (allows states to create a Medicaid buy-in program for all residents)

5. 2489 | Sen. Brian Schatz (D-HI) +22 co-sponsors

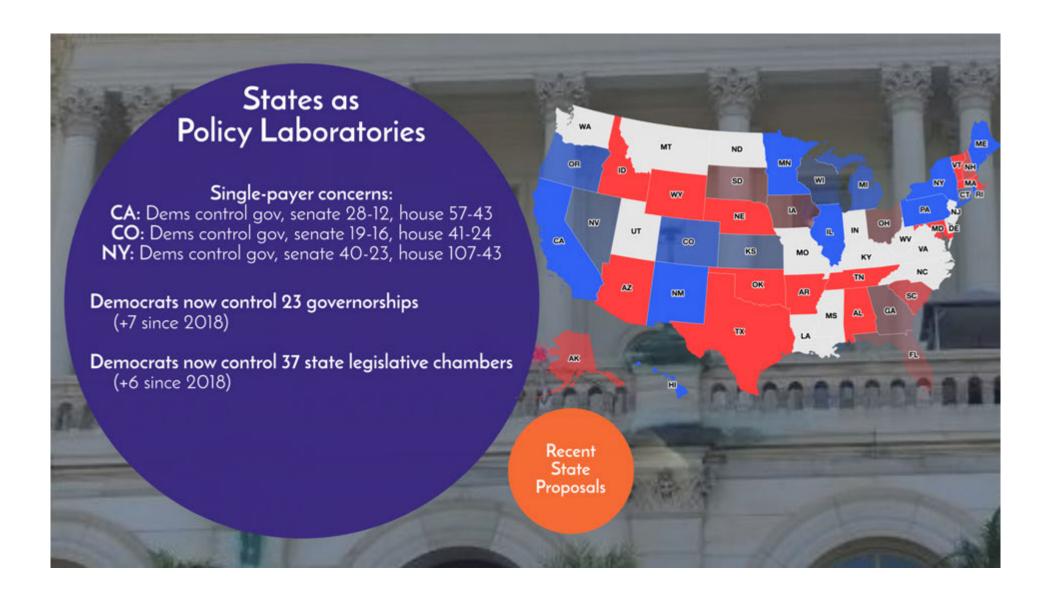
H.R. 1277 | Rep. Ben Ray Luján (D-NM) +50 co-sponsors

Medicare For None

- Urban Institute estimates cost of \$32 trillion over 10-years, or an annual tax increase of \$24,000 per household
- Eliminates 1.5 million American jobs: 500,000 who work directly for insurers, 900,000 in closely related industries
- Hospitals would see \$774 billion in cuts and possible closures (especially rural areas)
- Delayed treatment, disrupted care, discouraged innovation
- Elimination of Medicare Advantage, Medicare supplemental plans
- Will beneficiaries be held harmless for taxes to support MFA scheme?

Medicare Buy-Ins

- Lower rates to providers may curtail care or force doctors out of business
- Lower reimbursements would undercut private insurance, with more people opting for the public plan on cost alone
- Unless only offered to a limited group, could cause massive disruption to private plans and enrollees satisfied with their coverage
- Plans would be the government's responsibility for solvency and could lead to ever-increasing taxes to cover the cost
- Improving the current system could have better outcomes for access to coverage



2019 State Single Payer, Buy-In/Public Option Legislation

CA - AB 190 | Enacted budget expands many ACA-related provisions, including medical coverage

*CO - HB 19-1004 | Requires state to craft a proposal on a new state option for health insurance

*CT - SB 134 | Allows individuals and small employers (1-50) to buy into the State Employee health plan

MA - S 679 | Establishes a public health insurance option

*ME - LD 109 | Establishes a public health insurance option

*MN - HF 3 | Public option: OneCare Buy-In through MNsure website

*MO - HB 554 | Initiates investigation on the merits of a Medicaid Buy-In program

NJ - S 3380 | Expands availability of NJ FamilyCare Advantage program (Medicaid buy-in)

NY - A 5248 | Establishes single-payer health plan for all residents, outlaws private coverage

*NM - HB 416 | Medicaid Buy-In program that would be ready for customers in 2021

*OR - HB 2009, HB 2012, HB 3185 | Medicaid buy-in (w/ individual mandate, employer buy-in option)

*WA - HB 1523 | Creates a public health plan set up by 2021 with insurers offering qualified plans

*Passed and signed into law

*State legislature is out of session



Prescription Drug Rebating Proposed Rule

This rule was withdrawn and will not be finalized.

As part of the "America First" prescription drug initiative, the Trump Administration released a proposed rule in January that aims to eliminate rebates from pharmaceutical companies to PBMs in Medicare Part D and in Medicaid managed care organizations. The proposal would eliminate the existing discount safe harbor for rebates and replace it with narrower safe harbors to protect certain point-of-sale price reductions for patients with high out-of-pocket costs and to protect certain PBM service fees.

NAHU's Comments:

- Delay implementation until January 2021, and during the 2020 plan year study the value of current rebates and how rebate funds are used and distributed
- Ensure that cost savings in some areas do not result in increased charges and benefit reductions in other equally important areas
- Protect coverage for the 4.3 million Medicare Advantage beneficiaries who enroll in an employer group waiver plan (EGWP)

Prescription Drug International Pricing

The Trump Administration has proposed implementing a new "International Pricing Index" (IPI) payment model designed to reduce the costs of prescription drugs, phased in over a five-year period. The administration projects that this would reduce spending by \$17.2 billion over five years.

The proposal would overhaul how Medicare pays for certain drugs by shifting payments for select physician-administered drugs to be based on international prices, covering most drugs in Medicare Part B and apply to 50% of the country, with the ability to scale up over time.

Senate Finance Committee Chairman Chuck Grassley (R-IA) has voiced "serious concerns" over the administration's plans to move to such an index.

Executive Order 13877

June 24 - President Trump signed an executive order directing federal agencies to increase healthcare price and quality transparency.

The order includes five main provisions instructing federal agencies to issue guidance to:

- require hospitals to disclose information about their negotiated rates in a format that's understandable and usable by patients.
- require insurance companies to provide patients with information about cost of care, including out-of-pocket costs, before they receive services.
- develop a comprehensive roadmap for consistent, limited, consumer-centric quality metrics.
- disclose de-identified federal healthcare data that protects patient and consumer privacy, enables transformation of the healthcare marketplace, and allows researchers to develop tools and analytics to allow patients to be at the center of their healthcare.
- expand the availability of HSAs to cover direct primary care arrangements and healthcare sharing ministries, include more preventive services and products that can be covered in the deductible period, and issue guidance on the amount of funds that can be carried over at the remainder of the year for FSAs.

HSA Reforms

IRS Notice 2019-45, issued July 17, expands the list of preventive care for chronic conditions that may be provided by a HSA compatible HDHP.

Preventive Care for Specified Conditions	For Individuals Diagnosed with
Angiotensin Converting Enzyme (ACE) inhibitors	Congestive heart failure, diabetes, and/or coronary artery disease
Anti-resorptive therapy	Osteoporosis and/or osteopenia
Beta-blockers	Congestive heart failure and/or coronary artery disease
Blood pressure monitor	Hypertension
Inhaled corticosteroids	Asthma
Insulin and other glucose lowering agents	Diabetes
Retinopathy screening	Diabetes
Peak flow meter	Asthma
Glucometer	Diabetes
Hemoglobin A1c testing	Diabetes
International Normalized Ratio (INR) testing	Liver disease and/or bleeding disorders
Low-density Lipoprotein (LDL) testing	Heart disease
Selective Serotonin Reuptake Inhibitors (SSRIs)	Depression
Statins	Heart disease and/or diabetes









I INDUSTRY HEADLINES

Smart benefits: Certain wellness program incentive limits eliminated Jan. 1

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improved vertices programs. The final ASA rule final historities to employee into
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Health care has become a big issue for many Americans over the past few years. As Health can has beginned a big stand for many Amendians over the past five pasts. An the costs of what the economies is too, which as which beaths in housines as boding for many without providing needed services. The Falsett Triads Commission reasonly making without providing needed services. The Falsett Triads Commission reasonly makes after a feeder plage hard door a Porticle-bead operation that a sociated of collecting mass than \$100 miles. To proving on Americans is search of health marzens, single place consumes without pattern plant that the coll of financians of pengin.

PLUS experts: One of the biggest gaps in cyber is

explaining it to customers What's one of the toppest pape in cyber? Good communication between the insurance Industry and customers, who are in need of more than just produce to help protect them from risks in the repolly changing digital world. That was the consensus from a panel of expents speaking recently at the annual PLUS conference in dountown San Diego, CA,

means for payers.

and JPMorgan Chase is either the major damptor everyone in the industry has been awaiting or means little except to the three companies shophed. Since the force have



November 9, 2018

ACAPrime Reporting

a Fast Facts

Results in Spit

e folded Seeks Reposit of Cadillat and Premium Taxes in Lame Duck

Healthcare Happy Hour Can Drobed Government Achieue Compromise in Healthcare shead of 2000?

Register for Next Yosek's Webinst on the Election's Impact on Healthcare Issues

Save \$100 on Capital

Open Envolvment is Underway, Are You Continue?

- As a result of Tuesdar's molecum atections. Democratic will stress the Husse of Representations and Republicans have expanded their Senate majority for the 118th Congress.
- beginning in January.
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- There is price held baild resource on healthcare signified toware, multiple planes, featuress and total, which whether segant their feet cloud programs.
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- electors on sed thursday's LNE from NeW, wednes of 12:00
- g.rs. Earliers. The Healthcare Happy Hour podicant features an extended

Midtern Election Results in Soll Government and

The middern elections on Tuesday repulled in a rotum to divided poleniment, as Democrats will recise the House d'Rapnesental and Republicans expended their Senate majority. Read More

NAHU Seeks Repeal of Cadillac and Fremium Taxes in

Congress will be returning to Washington, DC, next week for a brief tame duck session through red-December block of their attention is expected to be focused on . Read More

Healthcare Happy Hour: Can Divided Government Achieve Compromise in Healthcare shead of 20207

One of the most-hipped middern stackings in memory came to a close on Tuesday, and New Y Warry W. Suchner, John Creans and Chris Hartmann analide the results and ehalther could mean. Read More

State Spotlight: Utah, Idaho and Nebraska Vote in Favor of Medicald Expansion

Tuesdar's midwim elections, which could edend coverage to an estimated 325,000 lose income people... Read More

Trump Administration Seeks Greater Marketplace Verification Standards

On Madeatotic CMS issued a processed tale relanded to annural tale

Register for Next Week's Webinar on the Election's

The Democrate have taken back the House and Republicans have expanded their requirity in the Senate, ensuring ten years, of decided government, Read More

Save \$100 on Capitol Conference Registration by Registering Today!

 State Spetiglic Utals, state and Nebrasia Vote in Facts of Medicald Expansion Early registration is available now through howevoler 28 for NVHV/s 29b Avious Capital Continence For more than a quarter pertury. NAVA) members have been. Read More

Open Enrollment is Underway: Are You Certified?

* Trump Administration Sweks Greater Marketplace Verification Standards December 15 for the federal marketplace. Read More

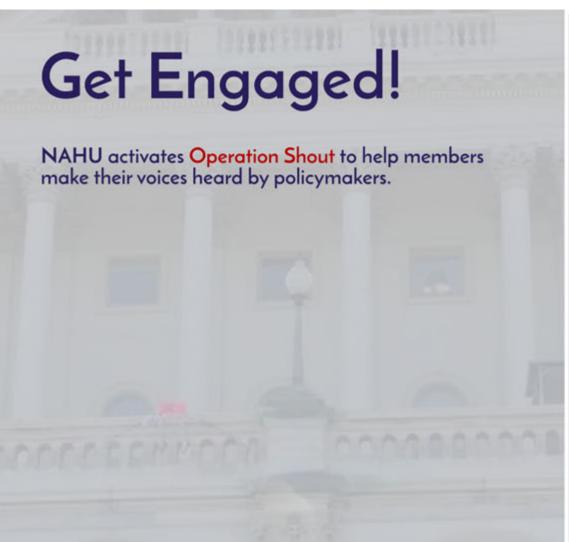
HUPAC Roundup: A Congressional Split

It was a manumental event around the country with Election Cay taking center stage on Turesday. After an intense before for Congress over the sout several months. Read More

What We're Reading

Although Congressional elections took carrier stage his week, significant healthcare changes were made as well... Read More

39.





Operation Shout!

Take Action

NAHU is very concerned about ongoing discussions in Congress that would underwine the employer-sponsored health insurance system by eliminating or placing a cap on the amount is a crutation for health insurance. More than 115 million Americans currently incervice their coverage through this system, largely due to the tax exclusion where employers beginned to the tax exclusion where their employers beginned to that are accluded from that employers compensation for income and payroll has purposes. Eliminating the accluded the technique of the employer approached insurance white capping it would degreate the incentive for employer processed insurance white capping it would degreate the benefit and serve as a tax increase for middle-class Americans.

The employ errossed system is highly efficient at providing American workers and their families with affordable coverage options through group purchasing and its associated economies of scale by spreading risk and evolding adverse selection. Eliminating the succlusion would eliminate most of the benefits of employers-sponsored insulance, including the means for speeding risk among healthy and unneathly includings and group purchasing efficiencies. Capping the exclusion for employees would deviable the benefit and result in a significant tax increase for media-class. Americans, forcing many to since employee should not any office of the employees and essuit in a significant tox image to their employees and essuit in below the least of the exception of the employees and would be below the least of the employee should be below the least of the exception for employees to sponsor insulance that wouldn't meet the capts thresholds and further shifting costs onto employees along of the employee exclusion such as setting a tax credit sunfliciently high enough to cover the significant contribution made by employers today. Also, indexing a credit would need to be set to medical infestion if it is to keep up with the fighting facilities that the employee exclusion in it is to keep up with the fighting facilities. with the typical rise in healthcare expenses.

The employer exclusion tax benefit makes employer-sponsored health insurance a valuable senefit for workers. We urge Conjess to maintain the system that has worked for Americans for decades, and present employer-sponsored health insurance through the Americans no declades, and present employers proposition presim instance innount for continuation of the employer suclusion because it preserves the employer system for health insurance for the vast majority of Americans. Over the coming weeks, as Congress discusses venous healthcare reform proposals, we want to be sure that they hear directly from agents, brakes and employee about the value of the employer has exclusion. You can help us spread the message by taking action below

- 1. Contact your senators and representative, tiend an Operation Bhout today asking your fraceal legislators to copose the elimination or cap of the employer tax exclusion of health insurance in any healthcare reform legislator process. You can also call your legislators at the numbers below.
 2. Tell your employer clinins to take action. Your employer clients would be most directly impacted by the elimination or cap of the employer tax exclusion. Tell them to taxe action sharing any the exclusion must be preserved in thy healthcare reform registrative proposals. Tell them to take action place.
 3. Bhere your clary. As a ticensed insurance specialist who works closely with employers to the process the control of the proposals. Tell them to take actions bettin insurance, you clients. Studies from your clients will demonstrate the value of the activation and the need to preserve it. We will share your stories with appropriate legislators and staff, you can share your story taxes. staff. You can share your story back.

Take action today and tell your federal legislators to keep the employer exclusion tax benefit!

Take Action

Don't want to send an email? No problem, you can also reach your legislators by phone. Rep. George Holding (R) can be reached at (202) 226-2032. Ben. Richard Surf (R) can be reached at (202) 226-2144. Sen. Thom Tillis (R) can be reached at (202) 224-6342.

Resources

As insurance brokers trained in risk management, it is our job to analyze and identify risks that might adversely affect our client's business objectives. Compliance with federal statutes and regulations in the areas of insurance, labor and taxes is a daunting task for many of our employer clients.

With the NAHU Compliance Corner, you now have a one-stop place to find the majority of federal statutes that affect the employee benefits world.



Medicare Resources







Infographic

Brochure

