NABIP

Shaping the *future* of healthcare

Washington Update

Presented by Max Karlin
Director of State Affairs
August 27, 2024

Welcome to NABIP!

Over 100,000 members representing:

- Health Insurance Agents/Brokers
- Employee Benefits Consultants
- Human Resources Professionals
- Attorneys
- TPAs
- Account Managers
- Carriers

NABIP
Shaping the *future* of healthcare

NABIP
Shaping the *future* of healthcare

NABIP Bill of Rights

Affordable Healthcare	Quality of Care	Privacy & Confidentiality	Individual Autonomy	Health Equity
Health Education	Affordable Medications	Emergency Care	Healthcare Advocacy	States Rights

Annual Value of NABIP Membership

NABIP
Shaping the *future* of healthcare

NABIP
Shaping the *future* of healthcare

Federal Legislative Update

Overview: Legislative Strategy

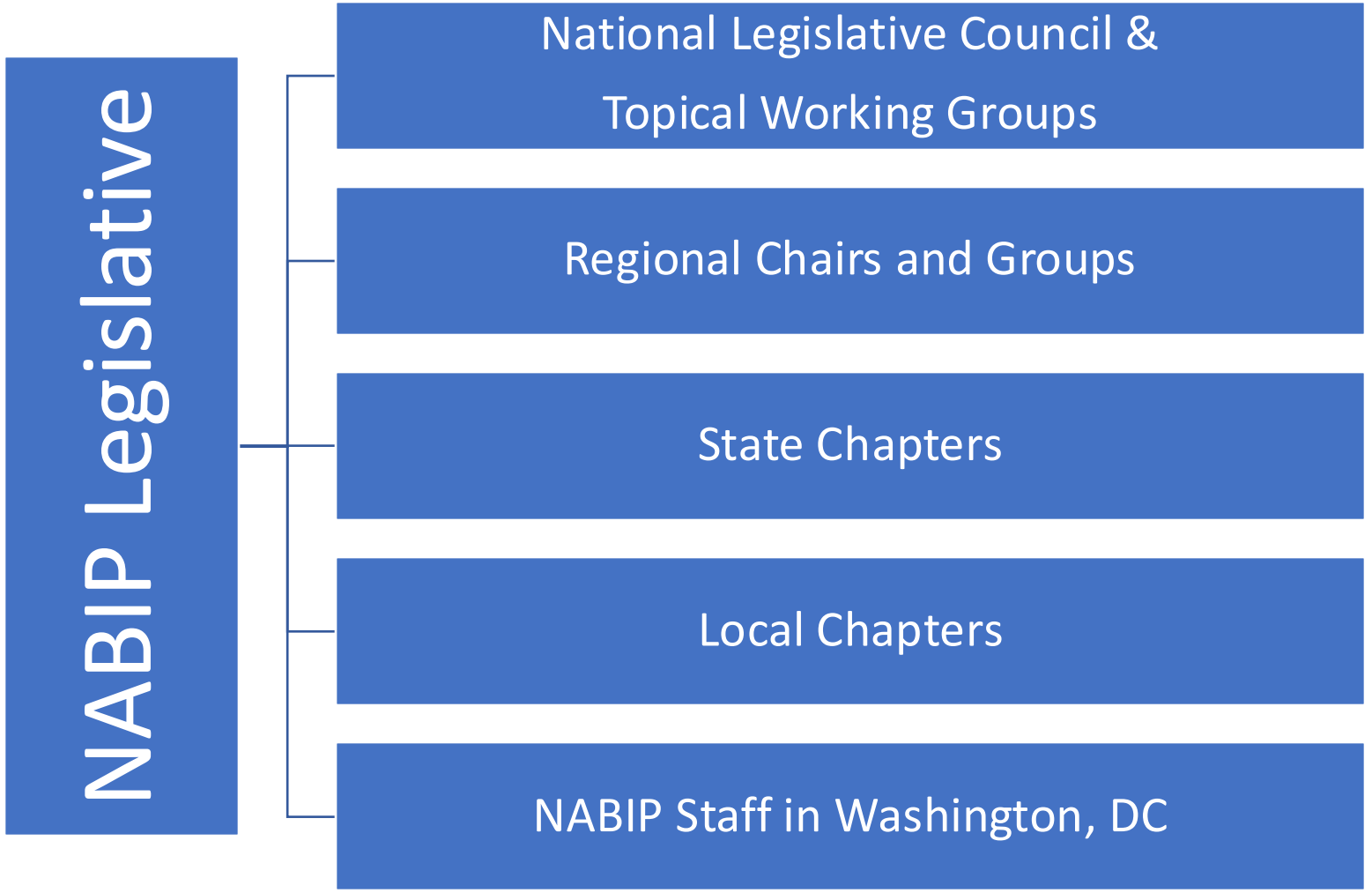
Before we get into specifics… how does advocacy work?

- **Direct lobbying:** What NABIP's GR Team does on a regular basis *(and what you do at Cap Con and during the year!)*
- **Coalition lobbying:** NABIP is a member of several coalitions with stakeholders like ourselves across all issue areas
- **Grassroots lobbying:** Operation Shout! The voices of you and your clients.

Maintaining relationships with your state and federal representatives strengthens our advocacy efforts!

NABIP
Shaping the *future* of healthcare

Member Volunteers Shaping Legislative Priorities



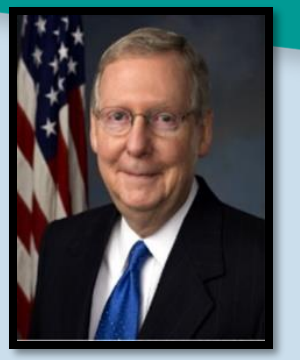
NABIP
Shaping the *future* of healthcare

118th Congress

Party	118th Congress
Democratic	47
Republican	49
Independent	4*
Total	100

Party	118th Congress
Democratic	213
Republican	218
Independent	0
Vacancies	2
Total	435

Chuck Schumer (D-NY)
Majority Leader



Mitch McConnell (R-KY)
Minority Leader

Mike Johnson (R-LA)
Speaker of the House

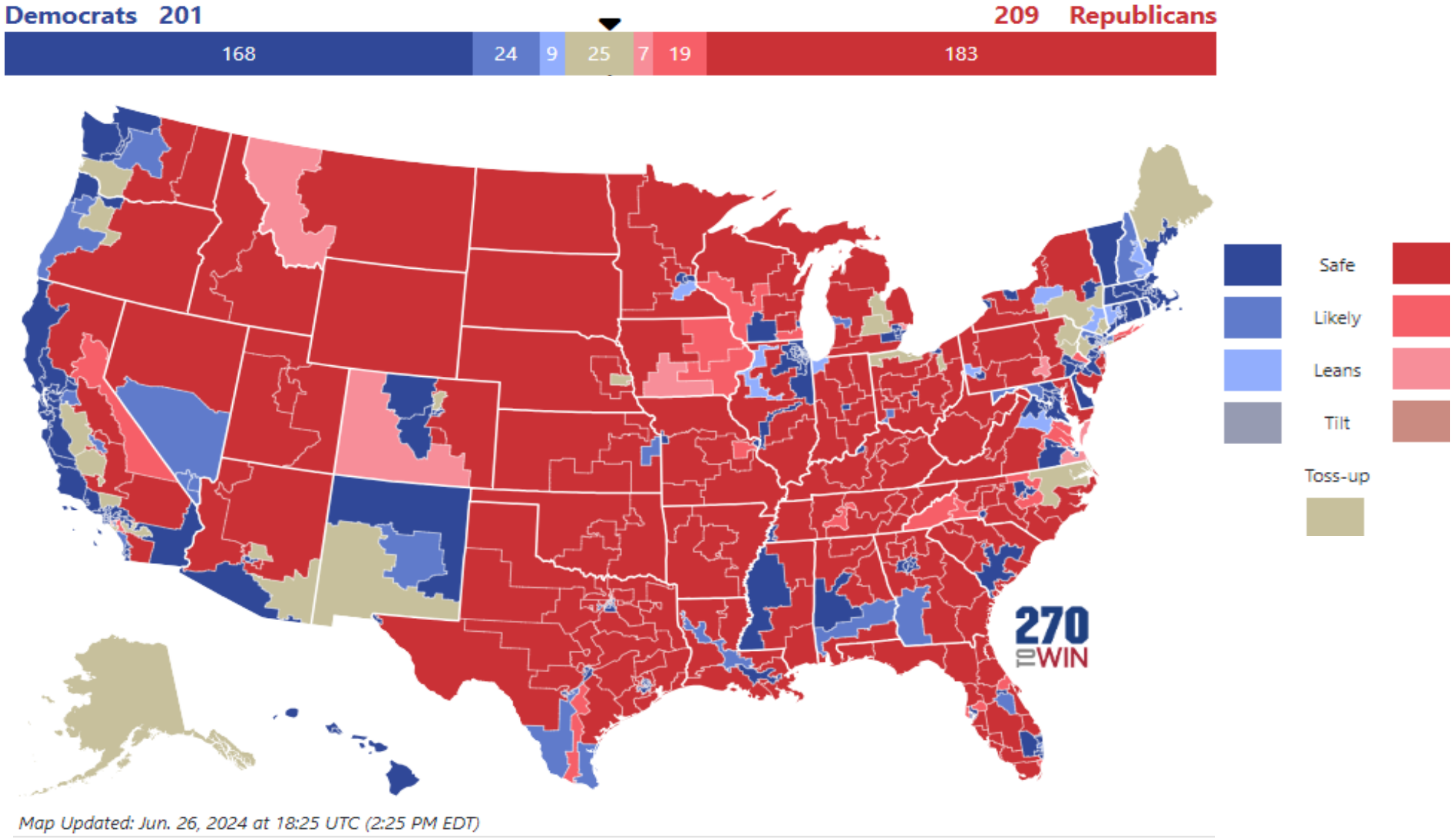
Steve Scalise (R-LA)
Majority Leader

Hakeem Jeffries (D-NY)
Minority Leader

NABIP
Shaping the *future* of healthcare

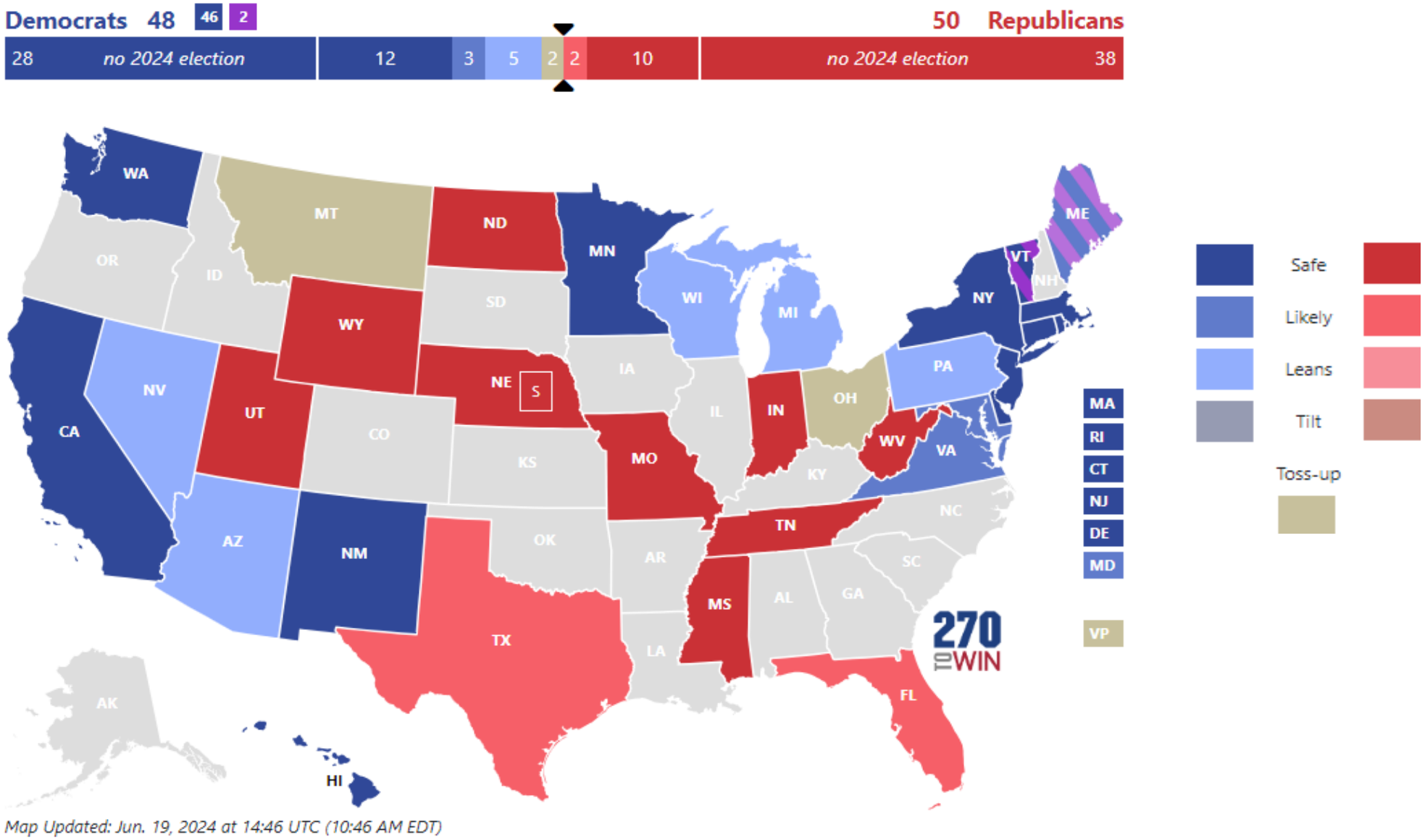
*The four Independents caucus with Democrats. S. Kyrsten Sinema and Joe Manchin recently changed party affiliations from Democrat to Independent.

2024 Election Outlook, House



NABIP
Shaping the *future* of healthcare

2024 Election Outlook, Senate



Map Updated: Jun. 19, 2024 at 14:46 UTC (10:46 AM EDT)

NABIP
Shaping the *future* of healthcare

Issue: COBRA as Creditable Coverage

- **H.R. 8217 Medicare Enrollment Protection Act of 2024:** 7 original bipartisan sponsors from 3 committees of jurisdiction.
- Allow COBRA coverage to count as creditable coverage for Medicare beneficiaries just as employer-sponsored coverage does.
- Allows beneficiaries to have access to Part B on a timely basis without penalties for late program entry.
- Over 1,000 NABIP members sent grassroots advocacy messages to their representatives in June, echoing the importance of this issue within communities.

NABIP
Shaping the *future* of healthcare

Issue: Employer Reporting

S. 3204 (The Employer Reporting Improvement Act) & S. 3227 (The Paperwork Burden Reduction Act) PASSED HOUSE!

- Provides much-needed relief for employers seeking to comply with the reporting requirements under Section 6055 and 6056 for enforcement of the ACA.
- Reduce the number of individuals and information required for reporting, eliminate the need to collect dependent SSNs, provide large employers more time to respond to first IRS letter, limit time horizon for IRS lookback for prior compliance period.
- Our team is working on a hotline with partners to pass this bill by the end of this year.
- **If passed by the Senate, the landmark bills will be sent to the president's desk.**

NABIP
Shaping the *future* of healthcare

Issue: New Part D Open Enrollment Period

- Many Medicare beneficiaries enroll in their plan during the Annual Enrollment Period and are locked into their Part D coverage. Once the plan year begins, **they are no longer able to switch** to another plan.
- Part D formularies change throughout the year, yet seniors can only switch plans during AEP.
- NABIP supports the **creation of a new Part D OEP** for beneficiaries like the Medicare Advantage enrollment period.
- This issue will be a top NABIP priority with a new Congress is 2025.

NABIP
Shaping the *future* of healthcare

Issue: Medicare Observation Status

H.R. 5138, S.4137: Improving Access to Medicare Coverage Act

- Allows observation stays to be counted toward the three-day mandatory inpatient stay required for Medicare **skilled nursing facility coverage**.
- Studies have found that **beneficiaries on observation status cycle through the hospital repeatedly** because they did not receive the skilled nursing facility (SNF) care they need, resulting in higher costs.
- Over **1,700 NABIP members** sent grassroots advocacy messages to their representatives in June, echoing the importance of this issue within communities.

NABIP
Shaping the *future* of healthcare

Issue: Health Claim Data Transparency

S. 3548 (The Health Care PRICE Transparency Act 2.0)

- Sets a **higher transparency standard for TPAs** and responsibility for providing health insurance purchasers with the information to make **informed decisions** about their healthcare.

- Currently, employers and unions nationwide are **blocked** from accessing, auditing, or leveraging their own health claims data. If S. 3548 passes into law**, health insurance professionals like you** will be able to assist employers in **accessing this data**.

NABIP
Shaping the *future* of healthcare

Issue: Medicare Prior Authorization

HR 8702, S 4518: Improving Seniors' Timely Access to Care Act

- Proposed in a previous Congress; bipartisan bill that has gained steam since introduction in mid-June (147 House cosponsors, 6 Senate cosponsors)
- Seeks to establish requirements with respect to the use of prior authorization under Medicare Advantage plans
- Plans are looking to offset costs introduced with the ACA with increased use of utilization management tools, including prior auth.

NABIP
Shaping the *future* of healthcare

Issue: Telehealth Expansion

H.R. 1843, S. 1001: Telehealth Expansion Act of 2023

- In 2021, the CARES Act allowed Health Savings Account (HSA) qualified high-deductible health plans (HDHP) to cover telehealth services before reaching the deductible.

- This flexibility was extended until **December 31, 2024**. Large employers need to know if it will continue as they put together benefits for 2025.

- The Telehealth Expansion Act would make this flexibility permanent.

NABIP
Shaping the *future* of healthcare

Issue: Site-Neutral Payment Reform

***H.R. 5378: The Lower Costs, More Transparency (LCMT) Act* PASSED HOUSE!**

- Bill would grant the federal government the authority to mandate within the Medicare program that:
  - **Hospitals** publish an annual list of provided shoppable services, including negotiated rates with plans.
  - **PBMs** to semi-annually provide employers with detailed data on the acquisition cost of drugs, total out-of-pocket spending, formulary placement rationale, and aggregate rebate information.
- Currently, providers that own multiple facilities can charge different amounts for the same care depending on where care was received.

NABIP
Shaping the *future* of healthcare

Meeting With Your Legislators

- It's important that you have conversations with your federal and state legislators throughout the year, so they understand your important role in the community.
- August is an important month to schedule meetings or attend legislator events, as they are back home in your district the entire month.
- Please visit NABIP's website for more information about scheduling these meetings, talking points, and how to follow up.
- It's important to log your appointments with lawmakers! Click here to complete the survey.

NABIP
Shaping the *future* of healthcare

NABIP
Shaping the *future* of healthcare

Regulatory Update

Overview: Regulatory Strategy

- Regulatory advocacy is just as important as legislative advocacy!

- When federal agencies release a proposed rule relevant to our members, NABIP submits **high-level comment letters** to CMS, HHS, DOL, IRS, and/or Treasury Department – depending on the issue.

    - You can access our comment letters under the "Advocacy" section of our website

- Like Congressional testimony, NABIP staff works with the pertinent legislative working groups to craft comments.

NABIP
Shaping the *future* of healthcare

2024 Presidential Campaign Implications: ACA's 14th Anniversary & IRA's 2nd Anniversary

	Affordable Care Act (ACA)	Inflation Reduction Act (IRA)
Vice President Harris	• Biden/Harris Administration has issued several HHS final rules related to the Marketplace as part of the ACA milestone celebration • Expect VP Harris to similarly promote the successes of the ACA	• Uphold IRA successes • 2019 campaign hinted at additional policies including "fair drug prices" that are comparable to other countries and creating consumer rebates for drugs above those rates
President Trump	• Has recently backed away from his steadfast message of Repeal and Replace and has suggested improvements to current law	• Critical of the IRA and its clauses on drug pricing, particularly its impact on pharma innovation and a potential cost offset impacting quality of care

NABIP
Shaping the *future* of healthcare

Medicare: 2025 IRA Changes

New! Standard Drug Plan Phases For Part D

1. **Deductible Phase:** Insured pays 100% of their gross covered prescription drug cost until the **$590** deductible is met.
2. **Initial Coverage Phase:** Insured pays 25% coinsurance for all covered prescriptions.
3. **Catastrophic Phase: Insured out-of-pocket cap is now $2,000.** Carriers and manufacturers pick up all remaining drug costs.

NABIP
Shaping the *future* of healthcare

Medicare: 2025 IRA Changes

New! Prescription Payment Plans (PDP)

- Starting **Jan. 1, 2025**, PDP sponsors must provide enrollees the option to pay OOP costs in the form of monthly payments over the course of the plan year, instead of all at once at the pharmacy.
- Includes both MA and Part D plans.
- Most likely to benefit those with $600-plus cost-sharing obligations, rather than all beneficiaries.

NABIP
Shaping the *future* of healthcare

Medicare: 2025 IRA Changes

New! Manufacturer Discount Program

- Created to sunset the Coverage Gap Phase of Part D plans starting January 1, 2025.
- Participating manufacturers must provide discounts on their applicable drugs in the Initial (10%) and Catastrophic phases (20%).
- Compound drugs will be excluded even if one of the drugs in the compound is approved.

NABIP
Shaping the *future* of healthcare

Medicare: 2025 IRA Changes

Creditable Coverage Key Takeaways

1. Plans that were determined creditable last year have the possibility of not being creditable this upcoming year. Group plans need to evaluate on a yearly basis.

2. Employers must continue to provide a Notice of Creditable Coverage (NOCC) once a year to all Medicare Part D eligible members (and their dependents) who are covered under, or who apply for their PDP.

3. NABIP hosted a webinar on August 15th on this topic. Please see the NABIP website for more information.

NABIP
Shaping the *future* of healthcare

Medicare Advantage Rule

New! Standardized Questions & Pre-enrollment Checklist

- Agents must "ask a **standardized list of questions** that address a beneficiary's healthcare needs, current providers, and prescriptions" before enrolling a beneficiary into a plan.
- **Pre-enrollment checklist** must be provided to prospective enrollees, including the effect on current coverage if the beneficiary changes plans.
- **Outstanding questions:**
  - Who is providing the list of questions (Carriers? CMS?)
  - What specifically must be included in the checklist?

NABIP
Shaping the *future* of healthcare

Medicare Advantage Rule

Litigation Temporarily Halts New MA Compensation Rule

- CMS issued policy & technical changes to the MA Plan Program for CY25 including agent and broker compensation and administrative fees

- Lawsuits against CMS sought injunctive relief to vacate the rule under the Administrative Procedures Act (APA) citing numerous instances of CMS violating statutory authority for rule-making.

- The Court issued a “stay” on the rule changes to compensation, while litigation is pending.

NABIP
Shaping the *future* of healthcare

ERISA: 50th Anniversary

- The Employee Retirement Income Security Act of 1974 (**ERISA**) sets **minimum standards for plans** and sets standards for providing information, fiduciary responsibility, procedures for handling benefits, and remedies for beneficiaries.

- A critical aspect of ERISA is its **preemption clause**. This means ERISA supersedes any state laws relating to employee benefit plans. **NABIP supports ERISA** and **opposes** any attempts to circumvent or preempt it.

- NABIP submitted formal comments to the House Education and Workforce Committee, highlighting the **need to address several new stakeholders** that did not exist during the law's inception and recognizing how complicated and burdensome compliance regulations and reporting have become.

NABIP
Shaping the *future* of healthcare

NABIP
Shaping the *future* of healthcare

NABIP PAC

What is the NABIP PAC?

- A Political Action Committee **(PAC)** is a separate segregated fund that allows for political advocacy from NABIP.
- The PAC is funded separately, i.e., **NOT** from member dues.
- The NABIP Pac campaign-related funds support **federal** candidates in their respective elections.
- PAC contributions support **both parties** in Congress who consider and support our legislative priorities.
- Maximum contribution for **individuals is $5,000** per year.
- **Reminder:** never discuss campaign fundraising with a member of Congress or their staff.

NABIP | pac

Contribute to the PAC!

- Few other industries are as heavily regulated as health insurance.
- With each election cycle, fresh faces enter the halls of Congress, often unaware of the vital role that agents, brokers, and benefits specialists play in health insurance markets.
- PAC contributions ensure this necessary education and continued representation at the table during the proposal and discussion of legislation.
- PAC funds are allocated to areas where it is most needed, ensuring maximum impact and amplification of our message.

NABIP | pac

***Contributions to the NABIP PAC are not required as a member of NABIP**

NABIP
Shaping the *future* of healthcare

NABIP Resources & Events

Key 2025 National Events

Capitol Conference - Washington, DC
February 23 - 26
CapCon focuses on advocacy and legislative issues affecting the insurance and benefits industry and gives members the opportunity to meet with their federal legislators.

Annual Convention - Miami Beach, FL
June 28 - July 1
This event brings professionals across industries together for educational development, networking opportunities, and professional awards.

NABIP
Shaping the *future* of healthcare

Member Support Resources

Your Voice Matters App

A voice-powered tool that empowers NABIP members, vendors, and staff to share their thoughts and concerns transparently, driving our strategy and innovation towards continuous improvement and excellence.

NABIP Instant Answer App

A versatile bot for efficiently collecting inquiries, providing quick AI-generated responses, and routing them to the appropriate personnel.

NABIP
Shaping the future of healthcare

Monthly Compliance-focused Webinars

- **3rd Thursdays** of the month @ 1pm ET
- **Previous topics** include:
  - ERISA Fiduciary responsibility
  - Medicare & IRA Impacts
  - E-filing requirements for ACA reporting
  - Gag clause attestation
- **Register** on NABIP's website

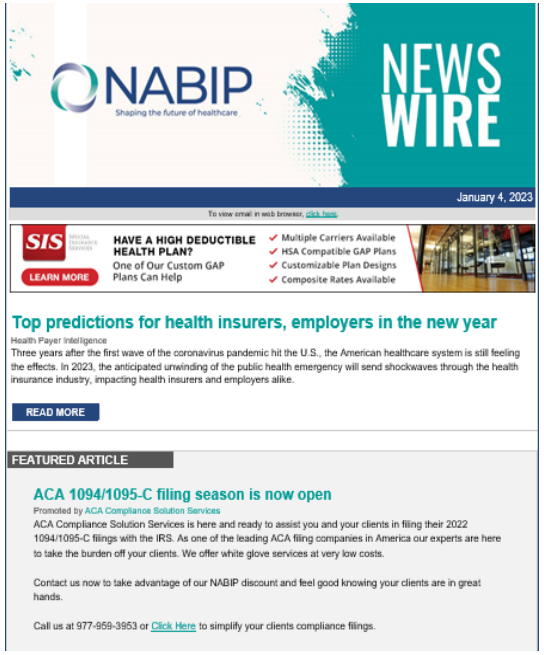
NABIP
Shaping the *future* of healthcare

Cutting Edge Information!

NABIP Healthcare Happy Hour

Subscribe on iTunes

Listen On Spotify


NABIP
Shaping the future of healthcare
NEWS WIRE
January 4, 2023
To view email in web browser, click here.
SIS
HAVE A HIGH DEDUCTIBLE HEALTH PLAN?
One of Our Custom GAP Plans Can Help
LEARN MORE
✓ Multiple Carriers Available
✓ HSA Compatible GAP Plans
✓ Customizable Plan Designs
✓ Composite Rates Available
Top predictions for health insurers, employers in the new year
Health Payer Intelligence
Three years after the first wave of the coronavirus pandemic hit the U.S., the American healthcare system is still feeling the effects. In 2023, the anticipated unwinding of the public health emergency will send shockwaves through the health insurance industry, impacting health insurers and employers alike.
READ MORE
FEATURED ARTICLE
ACA 1094/1095-C filing season is now open
Promoted by ACA Compliance Solution Services
ACA Compliance Solution Services is here and ready to assist you and your clients in filing their 2022 1094/1095-C filings with the IRS. As one of the leading ACA filing companies in America our experts are here to take the burden off your clients. We offer white glove services at very low costs.
Contact us now to take advantage of our NABIP discount and feel good knowing your clients are in great hands.
Call us at 977-959-3953 or Click Here to simplify your clients compliance filings.

NABIP
WASHINGTON UPDATE
July 26, 2024
IN THIS ISSUE
- Fast Facts
- NABIP's Statement on the Proposed Insurance Fraud Accountability Act
- Replay: House Oversight Committee Hearing on PBMs
- New Episode of Healthcare Happy Hour with NABIP President Alycia Riedl
- PAC Update: News, Polls, Fundraising
- State Spotlight: PBMs Remain Hot Topic in Illinois
- Upcoming Medicare Webinar: Phone and Call Recording
- What We're Reading

TOOLS
- E-mail the Editor
- Visit the NABIP Website
- Printer Friendly Version

Fast Facts
- NABIP's Statement on the Proposed *Insurance Fraud Accountability Act*
- Replay: House Oversight Committee Hearing on PBMs
- New Episode of Healthcare Happy Hour with NABIP President Alycia Riedl

NABIP's *Washington Update* is authored by Policy and Advocacy Director Nicole LePetri, PAC Manager Caroline Musumarra, State Affairs Director Max Karlin, and Governmental Affairs Coordinator Keaton Dicapo.

NABIP's Statement on the Proposed Insurance Fraud Accountability Act

This week, NABIP has published a statement on the proposed *Insurance Fraud Accountability Act*, introduced by Senate Finance Committee Chair Ron Wyden and five other senators... Read More

Replay: House Oversight Committee Hearing on PBMs

This past Tuesday, the House Committee on Oversight held a hearing to question three pharmacy benefit manager (PBM) CEOs over the role their companies have allegedly played in driving up the cost of prescription drugs... Read More

New Episode of Healthcare Happy Hour with NABIP President Alycia Riedl

In the latest episode of NABIP's Healthcare Happy Hour, Alycia Riedl, the new president of NABIP, shares her journey in the insurance industry and discusses the issues and initiatives that NABIP is focusing on... Read More

PAC Update: News, Polls, Fundraising

This latest PAC update addresses the previous week's political news, polling statistics, and fundraising comments from NABIP staff... Read More

NABIP
STATE UPDATE
June 23, 2021
SOLIDIFY CLIENT RELATIONSHIPS
LEARN MORE
ArmadaCare
Trustmark
BROKERS WANT EASY. EMPLOYERS WANT EASY. WE PROVIDE EASY.

Welcome to NAHU's State Update!

Good afternoon! You're reading NAHU's State Update, a newsletter highlighting all the pertinent political and regulatory news at the state level. The State Update will be published the second and fourth Wednesday of every month. If there is legislation or regulation brewing in your state that you think the State Update should cover, please contact us at states@nahu.org.

Colorado and Nevada Pass Watered Down "Public Option" Laws

While proponents of each measure are calling these "public option" laws, it is important to note that these laws do not institute "pure" public options. Since these new laws use the private market to offer standardized plans, health insurance brokers will still play a major role in the marketplaces of Colorado and Nevada... Read More

New York Single-Payer Bill Fails to Advance Once Again

The legislation made less progress than usual; while the bill historically passes at least one chamber, this year the bill did not even make it to the Assembly floor for a vote. The New York Health Act, if passed, would have instituted... Read More

Connecticut Ends Legislative Session without a Public Option or Health Insurance Tax

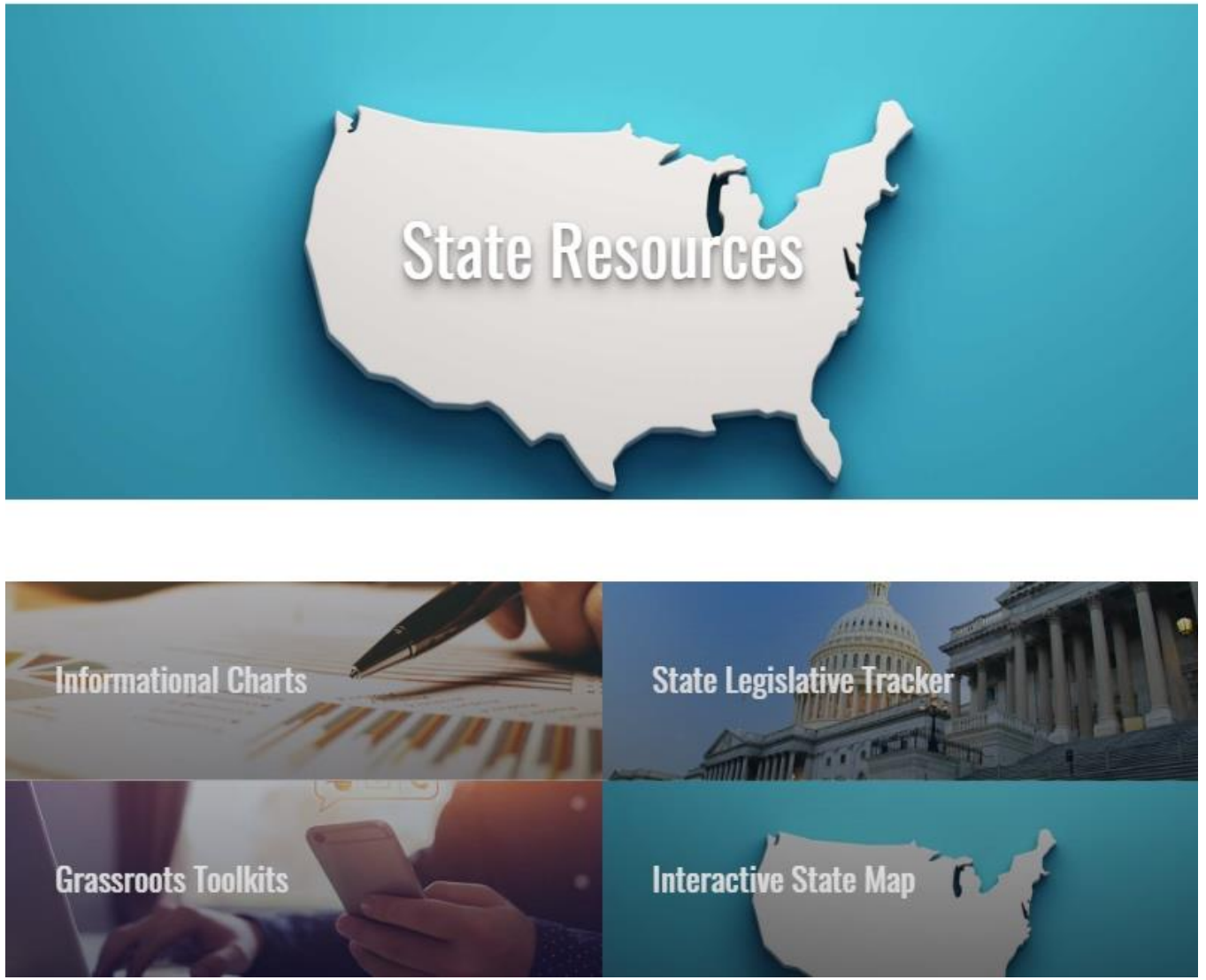
While the public option was defeated, the potential for a health insurance tax still lingered for some time. The HIT included

NABIP
Shaping the *future* of healthcare

State Resources Page

Access informational **charts**, including details on:

- Stop-loss requirements
- Reinsurance programs
- Malpractice damage caps



NABIP
Shaping the *future* of healthcare

NABIP Medicare, Medicare Advantage, Compliance Requirements Certification

- NABIP's PY2024 Medicare, Medicare Advantage and Compliance Requirements Certification is available to purchase for just $100.
- The cost includes free CE credits (up to 8 credits awarded), the convenience of a private online library accessible 24/7 with easy navigation and access to NABIP's Live Student Services Help Desk.
- NABIP's certification is written **by agents for agents.**

Medicare, Medicare Advantage, and Compliance Requirements

NABIP

Medicare Certified

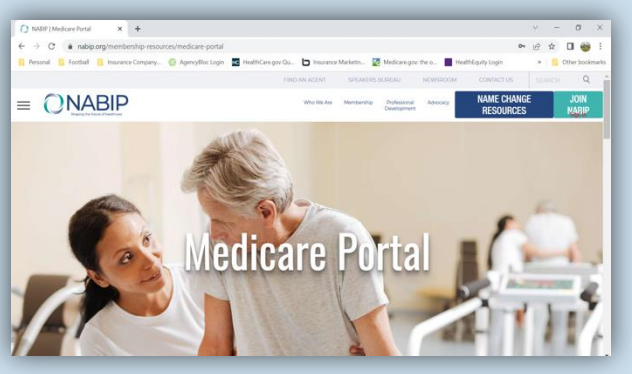
NABIP

Shaping the *future* of healthcare

Additional NABIP Medicare Resources

- NABIP is the **only trade organization** representing professional agents and brokers who work with Medicare beneficiaries and Medicare products.
- A long history of working on Medicare issues on Capitol Hill has resulted in strong relationships with legislators.
- In addition, our growing influence with CMS makes NABIP your valued choice for advocacy and professional development!

- **Medicare Web Portal**
  - Compliance
  - Legislative news
  - Newsletters
  - NABIP Medicare brochures
  - FMO Council
  - Medicare Advisory Council
  - Medicare Summits



NABIP
Shaping the *future* of healthcare

NABIP

Shaping the *future* of healthcare

Join Us!