

AFL-CIO

AMERICA'S UNIONS

Employee Benefits Legislative & Political Update / Health Care

ULA Advanced ERISA Seminar
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Tom Leibfried / Legislative Representative

Lame Duck Health Care Package

- Will ride on end-of-year government funding bill in December
- Backbone of package is extenders: Medicare telehealth flexibilities, Medicare physician payment bump, community health center funding
- PBM transparency provisions (Sec. 106 of Lower Costs, More Transparency Act, H.R. 5378)
- Medicare Part D: delinking plan payments to PBMs from rebates (Sec. 402 of H.R. 7623*)
- Separate NPI for off-campus outpatient providers billing Medicare (Sec. 204 LCMT**)
- Gag clause prohibition / fiduciary access to data (Sec. 401 LCMT)

Lame Duck Health Care Package

- Gag clause prohibition / fiduciary access to data (Sec. 401 LCMT)
- Ban on extra facility fees for telehealth services (H.R. 9457*)
 - “(a) IN GENERAL.—In the case of a telehealth service furnished to a participant or beneficiary of a group health plan or group health insurance coverage by a health care provider located at a health care facility, **the total amount recognized by such plan or coverage as payment for such service...may not exceed** the total amount that would have been recognized by such plan or coverage as payment for such service had such provider not been located at such a facility.”

119th Congress: Tax Package

- Bipartisan interest in extending provisions of Trump's Tax Cuts and Jobs Act that expire in 2025
- ACA enhanced premium tax credits will expire at the end of December 2025. Likely considered for package.
- Threat of a cap on the tax exclusion for employment-based health coverage (e.g., Paragon Institute proposal capping exclusion at 125% of national average premium)

119th Congress: Salient Legislation

- \$2,000 cap on Rx out-of-pocket costs for people in private health plans (S. 4671/118th)
- Medicare Coverage of GLP-1s for obesity (S. 2407, H.R. 4818)
- Increased penalties for late payment of claims for physician services in IDR process (surprise medical bills) – H.R. 9572/118th
- Expand Medicare drug price negotiation: negotiate more drugs, extend prices to private plans?

119th Congress: GOP Trifecta

- Adding work requirements to Medicaid eligibility
- Health Savings Accounts
- Promote association health plans and short-term, limited duration insurance
- Scale back ACA premium credits
- Block grant Medicaid (per capita caps)
- “Most Favored Nation” pricing in Medicare Part B