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AMERICA'S UNIONS

Federal Legislative Update Health Care

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Tom Leibfried / Legislative Representative

Health Care Sidecar Package Downsized

- In the package: one-year extenders of community health center funding, DSH payments for hospitals, bump to Medicare payments for doctors
- Dropped from the package:
 - PBM transparency provisions (Sec. 106 of Lower Costs, More Transparency Act, H.R. 5378)
 - Separate NPI for off-campus outpatient providers billing Medicare (Sec. 204 LCMT)
 - Gag clause prohibition / fiduciary access to data (Sec. 401 LCMT)
 - Program reauthorizations: PAHPA, SUPPORT provisions

Lame Duck Health Care Package

- Backbone of package-- extenders: Medicare telehealth flexibilities, Medicare physician payment bump, community health center funding
- PBM transparency provisions?
- \$35 cost-sharing cap for insulins in employment-based coverage?
- Transparency in coverage provisions?
- Separate NPI for off-campus outpatient providers billing Medicare?

What rolls over to the next Congress?

- PBM legislation banning spread pricing or requiring 100% rebate pass through (for ESI and Part D)
- PAHPA, SUPPORT, longer term community health center funding
- Legislation intended to improve ERISA for the administration of health plans

GOP Ed & Workforce Committee RFI on ERISA

- “Reforms to Increase Affordability and Quality in Employer-Sponsored Health Coverage.” Comments due March 15th
- How to strengthen and clarify ERISA preemption? State laws that pose barriers to offering uniform benefits?
- Extend fiduciary requirements to service providers? DOL enforcement over additional statutory fiduciaries?
- Improve data sharing between plans and contracted entities?
- Address privacy gaps and cybersecurity needs?