

Helping Ohioans with
Healthcare Benefit

Choices



OAHU Legislative Update

PRESENTED BY:

Barb Gerken, OAHU Legislative Chair
John McGough, OAHU Lobbyist



Agenda

- Ohio Legislature Overview
- Ohio Election Overview
- Ohio Legislative Priority Updates
- Federal Legislative Priority Updates

Ohio Legislature Overview

First Energy/Householder Scandal & Covid-19 slows Ohio Legislative Activity

- H.B. 6 was a major piece of legislation relating to preserving 2 Ohio nuclear plants owned by First Energy (now Energy Harbor).
- It is alleged that First Energy was involved in the establishment of a 501(c)(4) (social welfare organization) that spent approximately \$60 million to help Householder to be elected House Speaker and to help pass H.B. 6 into Ohio law. H.B. 6 became effective on October 22, 2019.
- Householder and 4 lobbyists/consultants were arrested by federal agents on July 21st. And this week Ohio Attorney General Dave Yost filed a complaint in Franklin County Common Pleas Court naming 14 defendants including Householder.
- Ohio House Republicans have removed Householder as Speaker, however they don't have the ability to remove him as a State Representative.

Cupp elected as new House Speaker

- The Ohio House has replaced Householder as Speaker by electing Bob Cupp. Cupp is an attorney from Lima who has been an Allen County Commissioner, four-term state senator, a court of appeals judge and a Justice of the Ohio Supreme Court.
- Cupp has not made any changes to the House leadership team and very few changes to House Committee Chairs and committee members.

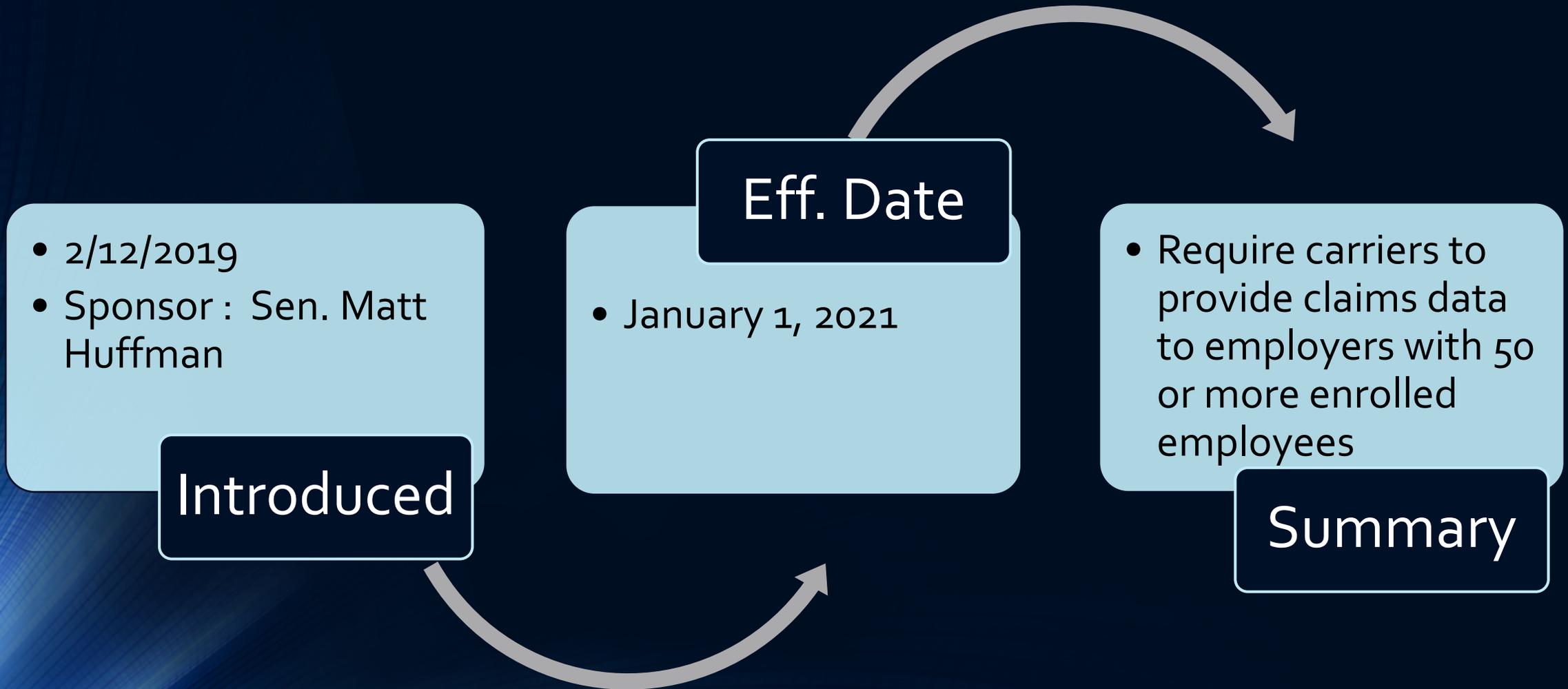
Ohio Election Overview

State Updates

Ohio Legislative Session - Summer

- Limited sessions prior to November elections;
- Lame duck session after elections;
- Any bill that does not pass by the end of the year will require re-introduction after January 2021.

S.B. 9 – Employer Claims Reporting



S.B. 9

Details

- net claims paid by month,
- claims over \$30,000 amount paid toward each claim and claimant health condition or diagnosis.
- enrollment data by month,
- Monthly prescription claim information

S.B. 9

Activity

- 2017/-18 Legislative Session – Formerly known as SB227, passed Senate and House Insurance Committee unanimously but failed to receive a House vote;
- 3/20/2019 – Passed Senate unanimously;
- 5/17/2019 – Passed House Insurance Committee unanimously;
- 10/29/2019 – Re-referred to House Insurance Committee and an amendment was added to included PEO language;
- 12/11/2019 – Passed House with PEO amendment by vote of 87-6;

S.B. 9

Activity

- 3/4/2020 – Senate refused to concur with House amendments;
- 3/5/2020 – House insisted on amendment, bill referred to joint House-Senate Conference Committee;
- 5/15/2020 - the joint House –Senate Conference Committee was appointed with 3 Senators and 3 House members.
- 6/9/2020 - first meeting of the Conference Committee scheduled but the 2 Republican members of the Conference Committee failed to attend the meeting, so the meeting was cancelled.

S.B. 9

Current Status

- It now appears that the PEO Association and its members have come to an agreement.
- Senator Matt Dolan's S.B. 201 will likely be the vehicle to address the PEO issue.
- Possible passage in House prior to end of legislative session.

H.B. 606 - *Temporary COVID Immunity*

- 4/10/2020
- Sponsor : Rep. Diane Grendell

Introduced

- March 9, 2020 through September 30, 2021

Eff. Date

- Temporary immunity from civil actions during COVID-19 pandemic.

Summary

H.B. 606 - *Temporary COVID Immunity*

Details

- Grants temporary qualified immunity to specified health care providers who provide health care services or emergency services during a declared disaster or emergency as described below.
- Grants immunity from tort liability and professional discipline for such services provided as a result of and in response to a disaster or emergency that results in injury, death, or loss allegedly resulting from (1) actions or omissions in the provision, withholding, or withdrawal of those services, (2) decisions related to the provision, withholding, or withdrawal of those services, and (3) compliance with an executive order or director's order.

H.B. 606 – *Temporary COVID Immunity*

Details

- Grants immunity from tort liability and professional discipline for injury, death, or loss that allegedly resulted because a health care provider was unable to treat a person, including the inability to perform any elective procedure, due to an executive or director's order or a local health order issued in relation to an epidemic or pandemic disease or other public health emergency.
- In uncodified law, generally prevents bringing a civil action for injury, death, or loss to person or property against any person if the cause of action on which the action is based, in whole or in part, is that the injury, death, or loss is caused by the exposure to, or the transmission or contraction of, "MERS-CoV," "SARS-CoV," or "SARS-CoV-2," or any mutation thereof.

H.B. 606 - *Temporary COVID Immunity*

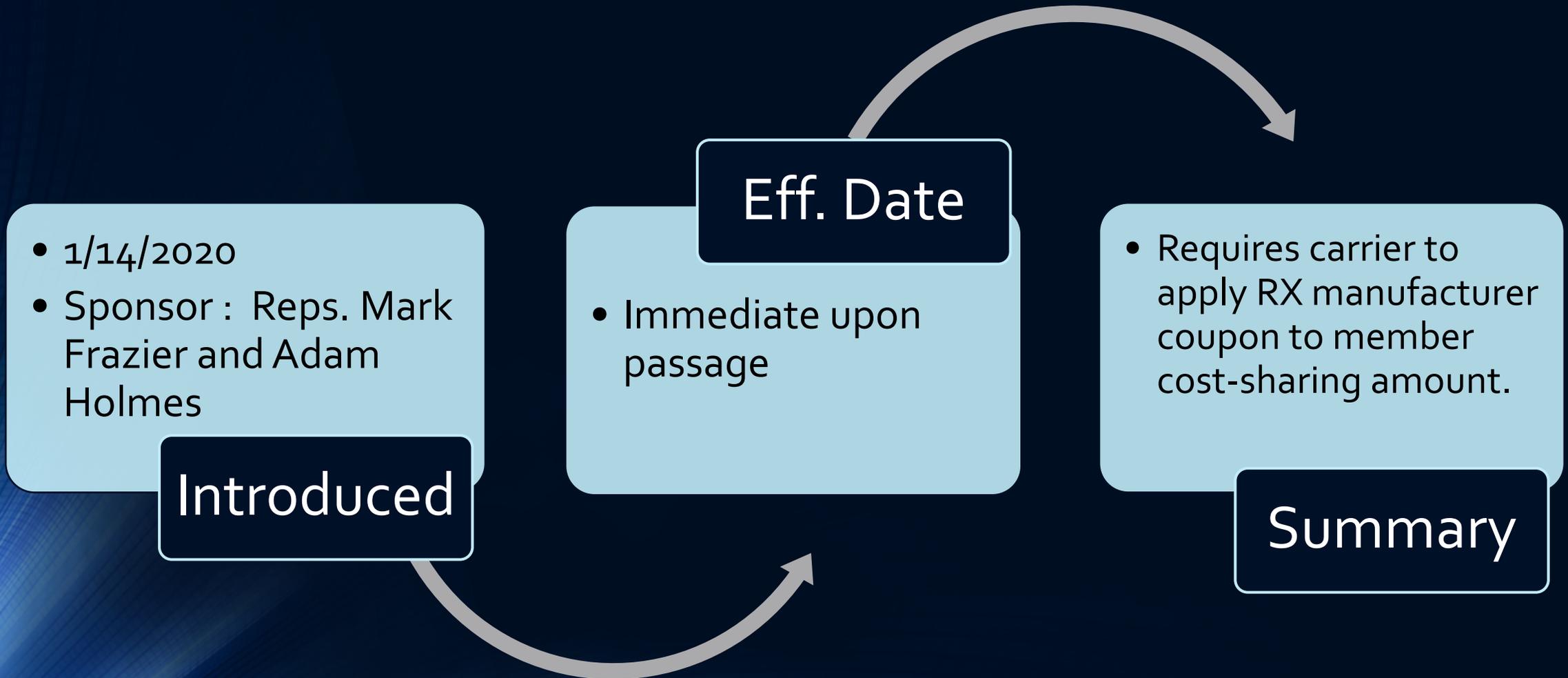
Details

- **PROVISION REMOVED FROM FINAL LEGISLATION:** Creates a presumption, for purposes of the Workers' Compensation Law, that specified emergency responders, corrections officers, and certain food workers who contract COVID-19 contracted the disease in the course of and arising from their employment.

Status

- Governor Mike DeWine signed into law on September 14, 2020

H.B. 469 – Prohibit Certain Health Insurance Cost-Sharing Practices



H.B. 469 – Prohibit Certain Health Insurance Cost-sharing Practices

Details

- Detailed analysis
- Requires health insuring corporations and sickness and accident insurers to apply amounts paid by or on behalf of covered individuals toward cost-sharing requirements. i.e. when a drug manufacturer provides a coupon
- Exempts situations where a generic version of a brand name drug exists, but the prescribing physician prescribes the brand name drug without it being medically necessary.

H.B. 469 – Prohibit Certain Health Insurance Cost-sharing Practices

Details

- Example:

If a covered individual receives a coupon for a drug which stipulates that the manufacturer of the drug will pay the copayment for the drug, then, under the bill, such a payment would have to be counted toward any cost-sharing requirement the covered individual's health benefit plan might impose.

H.B. 469 – Prohibit Certain Health Insurance Cost-sharing Practices

Status

- 1/28/2020 – Referred to House Insurance Committee
- 6/2/2020 – Proponent Hearing in House Insurance Committee
 - Testimony from 29 Proponents (Cystic Fibrosis Foundation, AIDS Institute, MS Society, Lupus and Allied Diseases Association)
- 6/9/2020 – Opponent Hearing in House Insurance Committee
 - Testimony from 2 Opponents (AHIP, Pharmaceutical Care Management Association)

Surprise Billing

- Topic is still relevant but may not see anymore activity in this legislative session;
- SB198 – Senator Steve Huffman’s bill focused on billed charges.
 - Not likely to progress following opponent testimony
- HB388 – Rep. Adam Holmes – favored language – includes benchmark rate
 - Supported by Ohio State Medical Association and Ohio Association of Health Plans.

Federal Updates

Executive Order – September 24, 2020

- America First Health Care Plan
 - Ensure that all plans are required to cover pre-existing conditions in the event that the ACA is struck by the Supreme Court.
 - Direct HHS to work with Congress to pass surprise billing legislation by December 31, 2020.
 - Open pathway for states to use to safely import prescription drugs to lower patient drug costs.

Highlights of Joe Biden's Healthcare Plan

- Lower Medicare age to 60
 - Approximately 20 million more people eligible for coverage
 - Funded by general tax revenues
- Government Run Public Option
 - Available to anyone
- Boost the Affordable Care Act
 - Reduce deductibles and co-pays for subsidized beneficiaries
 - Reduce the share of income subsidized households pay for coverage (8.5% versus 9.86%)
- Stop Surprise Billing
- Control Prescription Drug Prices

Supreme Court Open Seat –Texas v U.S.

- President Trump nominated Amy Coney Barrett on September 26, 2020.
- Timeline for hearings in the Senate Judiciary Committee:
 - October 12 – opening statements
 - October 13/14 – first two rounds of questioning
 - October 22 – Senate Judiciary Committee vote
 - Week of October 26th – Full Senate review and vote

Supreme Court Open Seat –Texas v U.S.

- If confirmed, Court will consist of six conservative appointees and three liberal appointees.
- If a replacement is not confirmed prior to decision, Court may end in a 4-4 vote, lower court decision stands.

Supreme Court Open Seat –Texas v U.S.

- Oral arguments to be heard on November 10, 2020;
 - Decision not expected until June 2021
- Barrett has previously criticized Justice Roberts opinion in the original decision:
 - "Chief Justice Roberts pushed the Affordable Care Act beyond its plausible meaning to save the statute," she wrote in a 2017 law review article. "He construed the penalty imposed on those without health insurance as a tax, which permitted him to sustain the statute as a valid exercise of the taxing power. Had he treated the payment as the statute did — as a penalty — he would have had to invalidate the statute as lying beyond Congress's commerce power."

Heroes Act - House

- 10/1/2020 Passed by a vote of 214-207
- \$2.2 trillion package
 - Original HEROES Act was budgeted at \$3.4 trillion
 - Savings came from reduction in time period for benefits

Heals Act - Senate

- 7/27/2020 Introduced
- \$1 trillion package

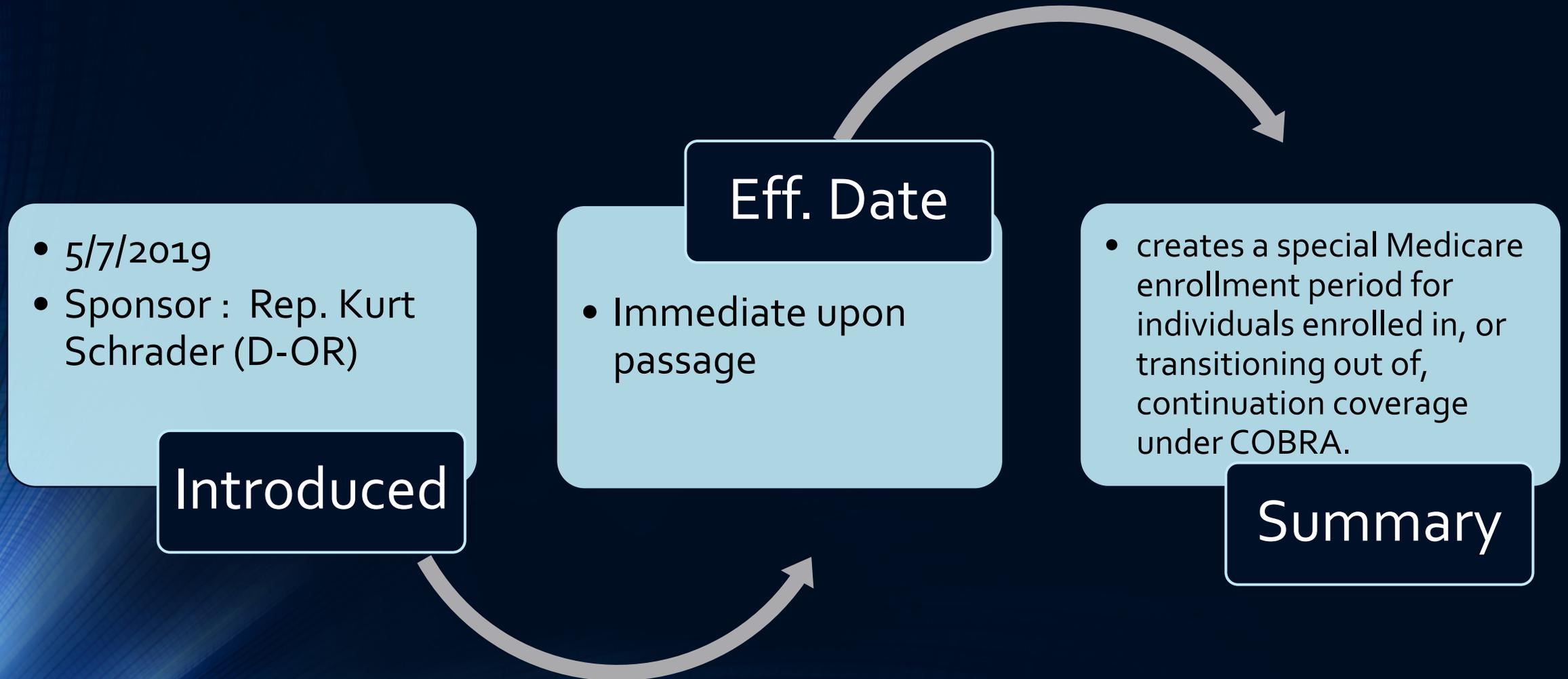
HEROES Act

- \$500 billion – state/local governments
- \$600 weekly unemployment
- \$1,200 stimulus checks
 - (\$1,200 per child, up to 3)
- \$75 billion – testing
- \$221 billion – Schools
- \$57 billion - Childcare
- Postal Service
- Food Stamps
- Rental Assistance
- Election Security
- Airlines and Restaurants

HEALS Act

- \$0– state/local governments
- \$200 weekly unemployment initially and then 70% of lost wages up to \$500
- \$1,200 stimulus checks
 - (\$500 per child/ no age limit)
- \$25 billion – testing
- \$105 billion - Schools
- 5-year liability shield
- \$190 billion - PPP Extension
- \$1.5 billion – NASA
- \$1.8 billion – new FBI headquarters

H.R. 2564 – Medicare Enrollment Protection Act



H.R. 2564 – Medicare Enrollment Protection Act

Details

- creates a special Medicare enrollment period for individuals enrolled in, or transitioning out of, continuation coverage under COBRA
- exempts such individuals from certain monthly premium increases associated with delaying Medicare coverage.

Actions

- 9/9/2020 – Passed by the Energy and Commerce Committee

Questions

bgerken@firstinsurancegrp.com