



HYLANT WEBINAR

# Buckle Your Seatbelts: Employee Benefit Issues to Watch

JUNE 13, 2019

HYLANT



# HOUSEKEEPING



**45 Minutes** – Legislative Activity Update



**15 Minutes** – Questions and Answers

Type your questions in the question box located in the GoToWebinar control panel. All questions will be addressed at the end of today's webinar.



# INTRODUCING TODAY'S GUEST



***James Slotnick, JD***

AVP, Government Relations

*Sun Life Financial*



# AGENDA

1. *Health Insurance Disruption Ahead?*
2. *Paid Family & Medical Leave: The Train Has Left The Station*
3. *On to 2020...*
4. *Closing Q&A*



# HEALTH INSURANCE DISRUPTION AHEAD?

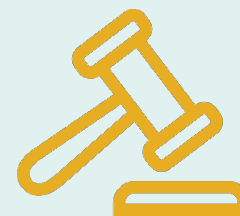


# ACA HEADING BACK TO THE SUPREME COURT?

- 19 states have challenged the constitutionality of the ACA
  - \$0 individual mandate penalty
- A district court in Texas ruled entire ACA unconstitutional
- Fifth Circuit Court of Appeals to hear case in June
- Decision could be appealed to Supreme Court

## THREE POSSIBLE OUTCOMES

1. Entire law is upheld
2. Entire law ruled unconstitutional
3. Individual mandate/underwriting protections unconstitutional





# ACA FULL-TIME EMPLOYEE DEFINITION

S. 1510 / HR 2782

- Each bill would amend the definition of a full-time employee
  - 30 to 40 hours
- Each has bipartisan support – 2 Democrats/2 Republicans on each bill
- Each bill has a sponsor
  - Senate Finance Committee: Sen. Todd Young, R-Ind.
  - House Ways and Means Committee: Congresswoman Jackie Walorski, R-Ind.
- Our industry needs to raise the level of awareness of this legislation



# BALANCE BILLING

Should a patient be responsible when:

- They receive emergency care at a non-network facility?
- They are treated by a non-network provider at an in-network facility?

Bill Component	STOP Surprise Medical Bills Act	No Surprises Act	Lower Health Care Costs Act of 2019
Emergency services at non-network facilities	✓	✓	✓
Non emergency services following an emergency service at a non-network facility	✓	X	✓
Non-emergency services performed by a non-network provider at an in-network facility	✓	✓	✓
Providers and plans have the option to appeal the rate paid, includes arbitration where the insurer and provider negotiate price	✓	X	✓
Non-network providers are paid the median in-network reimbursement rate for the area	✓	✓	✓





# “MEDICARE FOR ALL” LEGISLATION

Goal of covering all Americans under a government-run health insurance program

- Would end the current employer-sponsored health insurance system
- Under the plan, consumers would not be liable for any out-of-pocket spending on copays or emergency room visits, only on prescription drugs
- The plan is estimated to cost \$30+ trillion and paid for in part by:
  - 2.2 percent income tax
  - 6.2 percent levy on employers



**Bill had 15 co-sponsors in the Senate including:**

- Sen. Kirsten Gillibrand, D-N.Y.
- Sen. Kamala Harris, D-Calif.
- Sen. Elizabeth Warren, D-Mass.
- Sen. Cory Booker, D-N.J.



# PAID FAMILY & MEDICAL LEAVE: THE TRAIN HAS LEFT THE STATION



# PAID FAMILY & MEDICAL LEAVE

- More discussion on the federal level, action on the state level
  - California, DC (2020), New Jersey, New York, Rhode Island, Massachusetts (2021), and Washington (2020)
  - Passed in 2019: Connecticut (2022), Colorado (study bill), and potentially Oregon
- Could FAMILY Act pass House in 2019?
  - New program run by Social Security Administration entitling every working American to 12 weeks of paid family and medical leave at 60 percent of their salary



# STATE PFML LAWS VARY

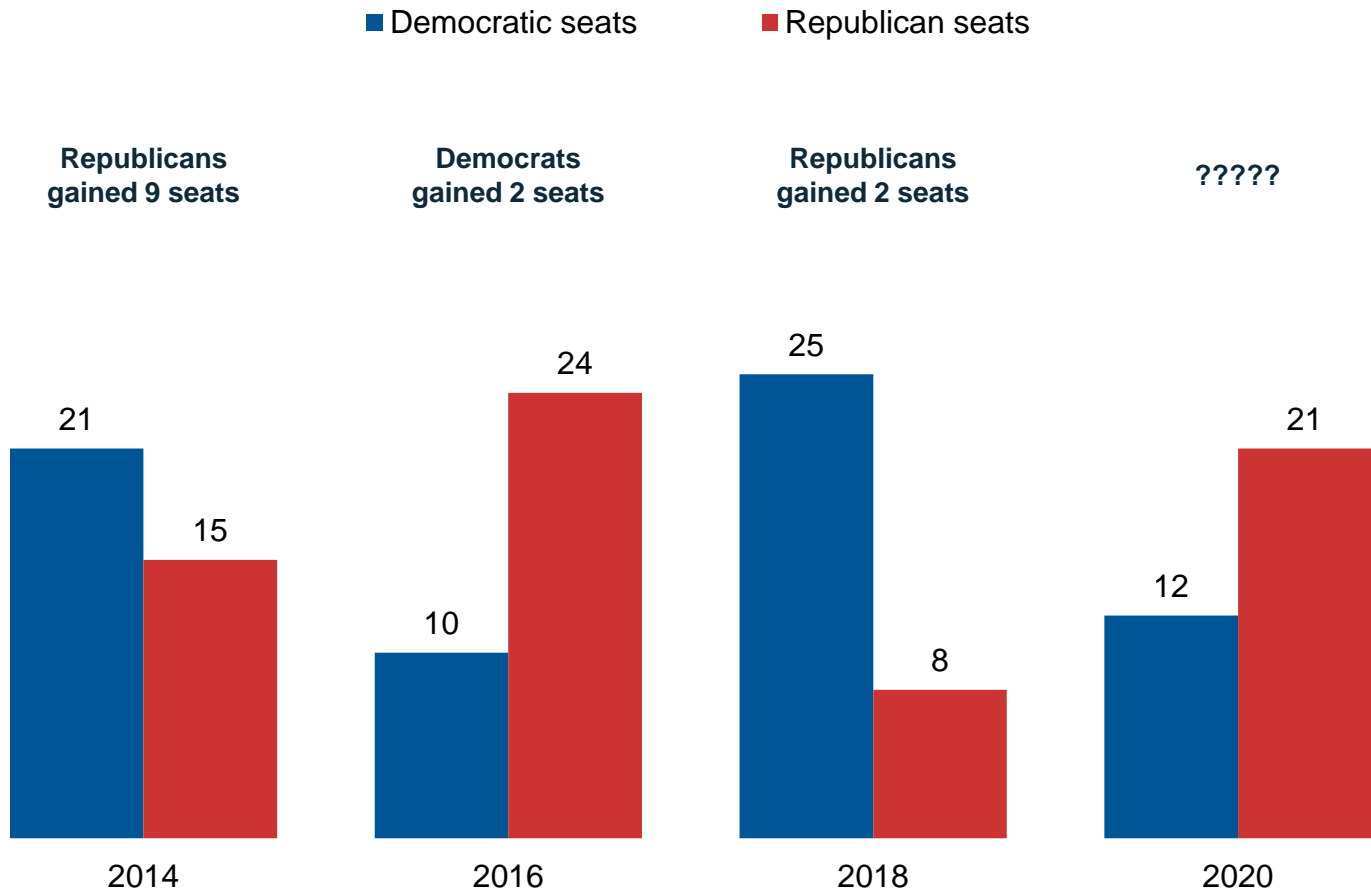
State	# Weeks Leave	Max Combined Medical & Family	Amount of Benefit
CA	6 weeks family 52 weeks medical	52 weeks	60-70% wages depending on income (max \$1,173/week)
MA	12 weeks family 20 weeks medical	26 weeks	80% wages up to SWAWW & 50% thereafter (max \$850/week)
NJ	6 weeks family 26 weeks medical		66% wages (max \$637/week)
NY	8-12 weeks family (increasing annually from 2018-2021) 26 weeks medical	26 weeks	Medical: 50% wages (max \$170/week) Family: 50-66% (increasing annually from 2018-2021) (max \$652.96/week)
RI	4 weeks family 30 weeks medical		60% wages (max \$833/week)
WA	12 weeks family 12 weeks medical Extra 2 weeks if pregnancy-related	16 weeks (18 weeks if pregnancy related)	90% wages up to SWAWW & 50% thereafter (max \$1,000/week)
CT	12 weeks paid medical or paid family leave (combined) 2 additional weeks for pregnancy related complications	12 weeks (14 weeks if pregnancy related)	95% up to 40x the minimum wage 60% above 40x the minimum wage Capped at 60x min. wage



ON TO 2020...



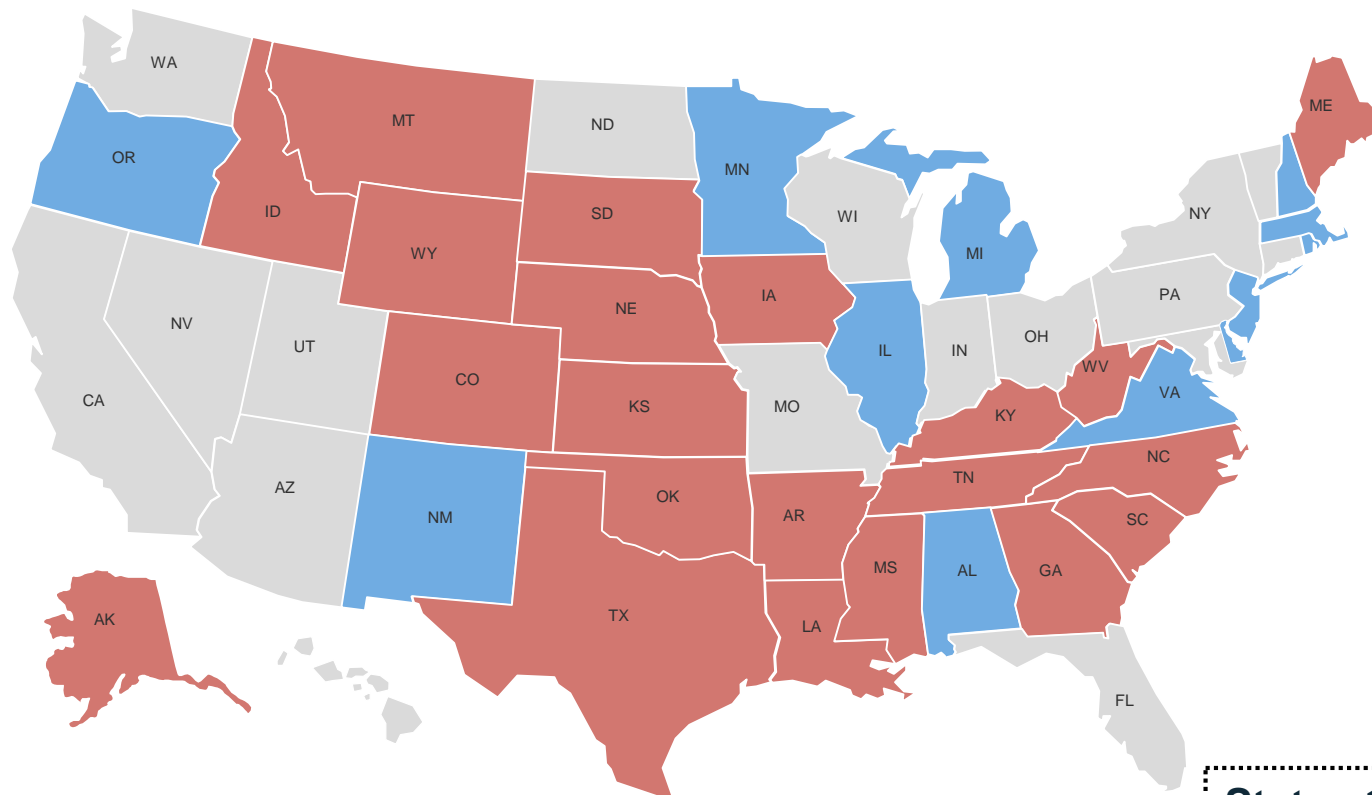
# WHAT TO WATCH FOR IN MIDTERMS



Source: Cook Political Report



# 2020 SENATE RACES



■ Democrat incumbent ■ Republican incumbent

- States to watch:**
- Alabama
  - Colorado
  - Iowa
  - Maine



## 2020 DATES TO REMEMBER

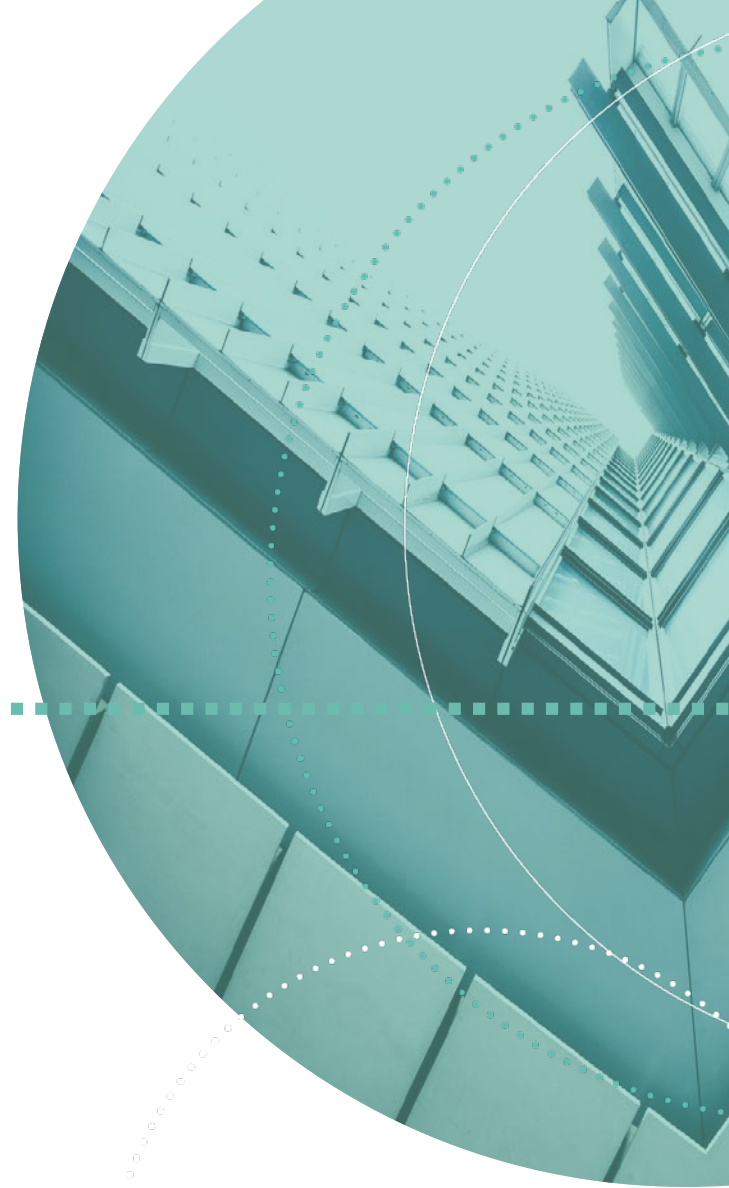
- **Feb. 3:** Iowa caucuses
- **Feb. 11:** New Hampshire primaries
- **Feb. 15:** Nevada Democratic caucus
- **Feb. 22:** South Carolina Democratic caucus
- **March 3:** Super Tuesday





# SUMMARY

- 
- 2019 is another important year for ACA
  - Employee benefits issues continue to evolve
  - 2020 elections are around the corner





# QUESTIONS

