

# 2018 Blue Wave or Deja Vu Wave? - A Legislative Preview of Health Insurance Issues

## Course # 114375

### Presented by Shannon & Mike Meroney, Meroney Public Affairs

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P. O. Box 266682  
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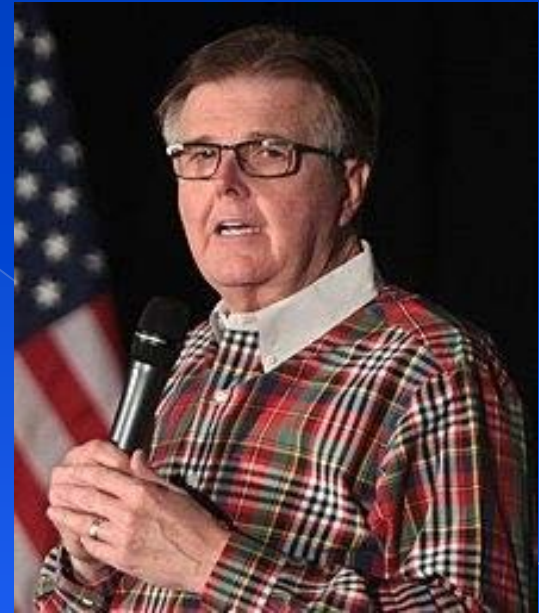
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# Texas Legislature: Who's in Charge?

## Statewide Officials:

Governor Abbott vs. Valdez

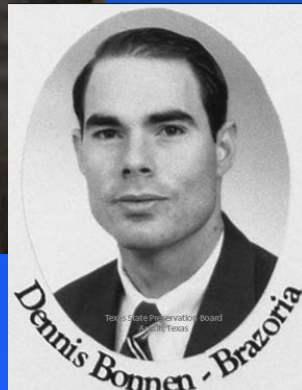
Lt. Gov. Patrick vs. Collier



# Texas Legislature: Who's in Charge?

## House of Representatives

- Straus Out: Open Speaker Race first in 26 years
- 76 votes needed to win
- 83 Republicans now in House; 67 Democrats
- 7 candidates orig. filed; 6 days post election...
- Rep. Dennis Bonnen announces 109 commits



Rep. John Zerwas (R-Richmond)

Rep. Four Price (R-Amarillo)

Rep. Travis Clardy (R- Nacogdoches)

Rep. Drew Darby (R- San Angelo)

Rep. Phil King (R- Weatherford)

Rep. Tan Parker (R- Flower Mound)

Rep. Eric Johnson (D - Dallas)

# Texas Legislature: Who's in Charge?

## House Insurance Committee Who is coming back?

**Chair - OPEN (Rep. Phillips not returning)**

Rep. Sergio Munoz, Jr., (D-Mission) Vice Chairman

Rep. Dennis Paul, (R- Houston / Webster)

Rep. Hubert Vo, (D - Houston)

Rep. Chris Turner, (D - Arlington)

**Rep. Rodney Anderson, (R - Grand Prairie)**

Rep. Scott Sanford (R - McKinney)

**Rep. Tom Oliverson, (R - Tomball)**

**Rep. Lance Gooden, (R - Athens) NOT RETURNING**



# Texas Legislature: Who's in Charge?

Texas Senate – 19 Republicans, 12 Democrats  
Lt. Gov. Dan Patrick Begins 3<sup>rd</sup> Session in  
charge

**New Members of the Texas Senate:**

**Senator Pete Flores (R-San Antonio) SD 19 (Uresti)**

**Sen.-elect Beverly Powell (D-Fort Worth) SD 10 (Burton)**

**Sen.-elect Nathan Johnson (D-Dallas) SD 16 (Huffines)**

**Sen.-elect Pat Fallon (R-Frisco) SD 30 (Estes)**

**Cong.-elect & Sen. Sylvia Garcia (D-Houston) resigned**

**- Reps. Carol Alvarado & Ana Hernandez running for SD 6**



# Who's in Charge?

## Senate Business & Commerce Committee

**Sen. Kelly Hancock (R - N. Richland Hills) - Chairman**

**Sen. Brandon Creighton (R -The Woodlands) - Vice Chairman**

**Sen. Larry Taylor (R - Friendswood)**

**Sen. Charles Schwertner (R - Georgetown)**

**Sen. Robert Nichols, (R - Jacksonville)**

**Sen. John Whitmire (R - Houston)**

**Sen. Donna Campbell (R - New Braunfels)**

**Sen. Judith Zaffirini (R - Laredo)**

**Sen. Craig Estes, (R - Wichita Falls) NOT RETURNING**

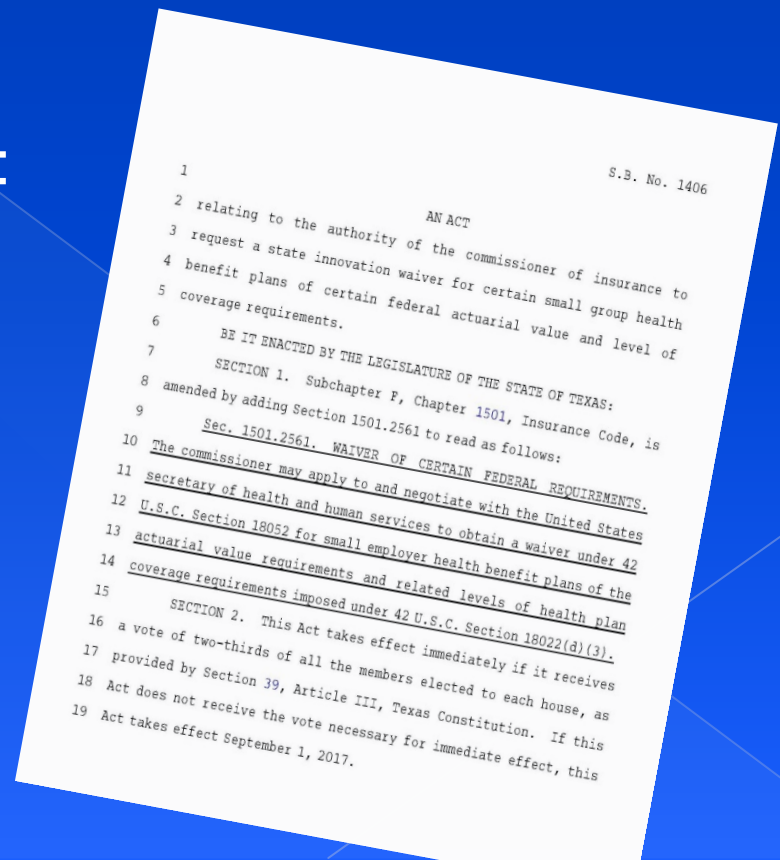


# TAHU's Legislative Priorities

ACA waiver applications on actuarial value & a new hybrid/high risk pool (**Senate Bill 1406 & HB 2087**) - passed last session; expires 8/31/19)

Instructs TDI to seek a waiver from HHS / CMS to:

- 1 - eliminate barriers in AV calculations that throw plans out of compliance at year end and
- 2 - create a new risk pool



# TDI's To-Do List for a waiver

## NEW FEDERAL GUIDANCE ISSUED 10/24/18:

State Innovation Waivers - new flexibility to strengthen markets, expand choices, target public resources and meet unique circumstances of each state (eff. immed):

- Provide coverage at least as comprehensive as Exchanges;
- Provide coverage and cost-sharing protections against excessive OOP spending & at least as affordable;
- Provide coverage to at least a comparable number of state's residents as ACA;
- Will NOT increase the federal deficit;





# TDI's To-Do List for a waiver

NEW FEDERAL GUIDANCE ISSUED 10/24/18:

State Innovation Waivers - States will approve if meets some or all of these 5 principles:

- Provide increased access to affordable private market coverage (over public programs);
- Encourage sustainable spending growth (elim state regs that limit choices but lower prices);
- Foster state innovation;
- Support and empower those in need (use financial assistance to buy private coverage);
- Promote consumer driven healthcare;



# TDI's To-Do List for a waiver

- ✓ Actuarial analyses and actuarial certifications to support State estimates that the waiver will comply with the comprehensive coverage requirement, the affordability requirement, and the scope of coverage requirement;
- ✓ A detailed 10-year budget plan that is deficit neutral to the Federal government, including pass-through funding;
- ✓ A detailed analysis of the impact of the waiver on health insurance coverage in the state;
- ✓ A description and copy of the enacted state legislation providing the state authority to implement the proposed waiver; and,
- ✓ A detailed plan as to how the state will implement the waiver, including a timeline.



# 1332 WAIVERS IN OTHER STATES

## REINSURANCE/RISK POOL:

Alaska, Maryland, Maine, Minnesota,  
New Jersey, Ohio, Oregon, and  
Wisconsin

SHOP Exemption: Hawaii



# Other Legislation to watch

## Balance or “Surprise” Billing Developments:

- Blue Cross/Blue Shield change to claims reimbursement policy for non-urgent ER claims
- TAHP lawsuit against TDI - authority to mandate OON claims payment amounts
- TDI fine and action against Humana for network inadequacy (after losing large group anesthesiologists and failing to inform PHers)
- Federal bill pending (bipartisan/ERISA)

# Network Adequacy --

Did not pass last session

HB 2350 – Would have eliminated networks and put benefit payments on an indemnification basis.

HB 2760 – Stringent new network adequacy rules plus tighter existing requirements --

- Directories updated more frequently;
- TDI exams for adequacy speeded up to every two years (now five);
- New stringent requirements for accurate information in their directories and follow up to correct errors;
- ***TDI would gather data on the number of mediation requests and publish on the TDI website.***



# Transparency - **DID NOT PASS**

HB 4011 – Would have prohibited information going to a credit reporting agency about an unpaid bill for nonemergency care UNLESS the provider had given the enrollee / patient an estimate before treatment.

- Had broad support from many different groups
- **Failed** in the House 85-45
- Probably will be back

# OTHER HOT TOPICS

- Air Ambulance legislation (this may get more FAA authority)
- Consumer Choice Plans - delete required annual disclosure
- Genetic Testing protections
- Opioid Epidemic (end stage renal funding? NAHU opposes)
- Short Term Limited Duration Plans
- Association Health Plans



# THE END

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