

2020 Fall National Meeting
Virtual Meeting

HEALTH INSURANCE AND MANAGED CARE (B) COMMITTEE

Monday, December 7, 2020

4:00 – 5:00 p.m. ET / 3:00 – 4:00 p.m. CT / 2:00 – 3:00 p.m. MT / 1:00 p.m. – 2:00 p.m. PT

Meeting Summary Report

The Health Insurance and Managed Care (B) Committee met Dec. 7, 2020. During this meeting, the Committee:

1. Adopted its Nov. 2 and Summer National Meeting minutes, which included the following action:
 - a. Adopted the 2021 proposed charges of the Health Actuarial (B) Task Force, the Regulatory Framework (B) Task Force and the Senior Issues (B) Task Force.
 - b. Adopted its 2021 proposed charges.
 - c. Adopted revisions to the *Health Maintenance Organization Model Act* (#430). The revisions address conflicts and redundancies in Model #430 with provisions in the revised *Life and Health Insurance Guaranty Association Model Act* (#520), which added health maintenance organizations (HMOs) as members of the guaranty association.
 - d. Received an update on the Consumer Information (B) Subgroup’s work related to its charge to develop information or resources that would be helpful to state insurance regulators and others in assisting consumers to better understand health insurance. The Subgroup recently adopted updates to its “Frequently Asked Questions (FAQ) About Health Reform” (FAQ) document in preparation for the 2021 open enrollment period. The Subgroup also developed a new document for consumers to use when considering purchasing a short-term policy, a policy that is not subject to the requirements of the federal Affordable Care Act (ACA).
2. Adopted the report of the Consumer Information (B) Subgroup, including its Oct. 29 and Oct. 20 minutes. During these meetings, the Subgroup took the following action:
 - a. Discussed revisions to the FAQ document and the development of a new consumer-facing document to assist consumers considering the purchase of a short-term policy, a policy that is not subject to the requirements of the ACA.
 - b. Adopted a revised FAQ document and the new consumer document for consumers on short-term policies.
3. Adopted the report of the Health Innovations (B) Working Group, including its Nov. 9 minutes. During the meeting, the Working Group took the following action:
 - a. Adopted its Summer National Meeting minutes.
 - b. Heard presentations on various issues of interest to the Working Group, including a presentation on hospital prices, a new hospital cost tool and prices on coronavirus tests.
4. Adopted the report of the Health Actuarial (B) Task Force.
5. Adopted the report of the Regulatory Framework (B) Task Force.
6. Adopted the report Senior Issues (B) Task Force, including its Oct. 20 minutes. During this meeting, the Task Force took the following action:
 - a. Adopted its Oct. 8 minutes, which included adopting its 2021 proposed charges and discussion of Medicare and payment of the costs of administering a coronavirus vaccine if approved by the U.S. Food and Drug Administration (FDA) under an emergency-use authorization.
 - b. Adopted its Sept. 2 minutes, which included hearing a presentation from AlliedVirtualCare on its initiative to reduce long-term care insurance (LTCI) costs, a discussion on deceptive COVID-19 marketing and sales practices targeting seniors.
 - c. Adopted its Summer National Meeting minutes.
7. Heard an update on legal actions related to the ACA, including a discussion and observations from the recent oral arguments before the U.S. Supreme Court in the case of *California v. Texas*, which challenges the constitutionality of the individual mandate and the potential impact of the decision on other key ACA provisions. It is anticipated that any decision in that case will not be released until 2021, possibly as early as spring 2021 or as late as summer 2021. The update also included a discussion of the *Rutledge v. Pharmaceutical Care Management Association* case, which received oral argument before the Court on Oct. 6. This case challenges the authority of the states to regulate pharmacy benefit managers (PBMs).

8. Received an update on the work of the Pharmacy Benefit Manager Regulatory Issues (B) Subgroup in completing its charge to develop a new NAIC model regulating PBMs. The Subgroup exposed the [State] Pharmacy Benefit Manager Licensure and Regulation Model Act (PBM Model Act) for a public comment period ending Sept. 1. Following the end of the public comment period, the Subgroup met to discuss and consider revisions to the draft based on the comments received. The Subgroup adopted the PBM Model Act on Oct. 29 and forwarded it to the Regulatory Framework (B) Task Force for its consideration. During its Nov. 19 meeting, the Regulatory Framework (B) Task Force exposed the PBM Model Act for an additional 30-day public comment period ending Sept. 22.
9. Heard a federal legislative update on congressional legislation and administrative actions of interest to the Committee. The update discussed the key factors that will affect health actions in 2021, including the Court's decision in *California v. Texas* and the final makeup of the U.S. Senate. The update also included an outlook for 2021, such as the completion of unfinished business related to surprise billing, prescription drug reform, telehealth expansion and COVID-19 relief. The U.S. Congress also could consider health insurance reforms in areas related to subsidies, network adequacy and short-term, limited-duration plans (STLDPs) and other health reforms, such as mental health parity and health care sharing ministries (HCSMs). Potential administrative actions in 2021 could include regulatory changes involving STLDPs, association health plans (AHPs), ACA Section 1332 guidance and Medicaid work requirements.

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