

Bi-monthly Publication

## NABIP-TX Legislative Update Mike & Shannon Meroney, Meroney Public Affairs



Quick update on the current special session:

Hours after Gov. Greg Abbott said he believed the Legislature could pass a school vouchers bill before the end of the 30-day special legislative session, the House all but killed any deal. The House met briefly Wednesday evening and recessed, likely until Monday or Tuesday, pending the Senate's approval of bills related to border security. The special session ends Tuesday, and the House has not so much as considered a voucher bill in committee, an early step in the lawmaking process.

At a news conference at the governor's mansion

Wednesday morning, Abbott said "we are on track to ensure there will not be another special session," and referenced a "bill that will be coming out of the House later on today."

Lt. Gov. Dan Patrick signaled his own optimism, saying in an afternoon statement that there was still time to pass a vouchers bill, but only if the House amended legislation already passed by the Senate rather than attempting their own version. "The Senate will concur if we agree with the House's changes or try to work out the differences in conference," Patrick said on the social media platform X. "The Senate is ready to act, as we have been for weeks."

But no bill materialized in the lower chamber, and House members took no action on the Senate's vouchers bill. Rep. Brad Buckley (R-Killeen) and Chair of the Public Education Committee, said that the timing was "too tight" to pass a vouchers bill before the Tuesday deadline. The House's inaction all but guarantees a fourth special session, which Abbott had previously vowed to call if school vouchers did not become law. If that fails, Ab-

### Inside This Edition

Page 3

- US Labor Sues UHG
- Bright & Friday Fail To Meet Obligations.

Page 4

- IRS Notifies Employers on Health Care Plans
- DOJ Scrutinize Telehealth
- Biden Administration Proposes Overhauls

Page 5

- Chapter Braggin'

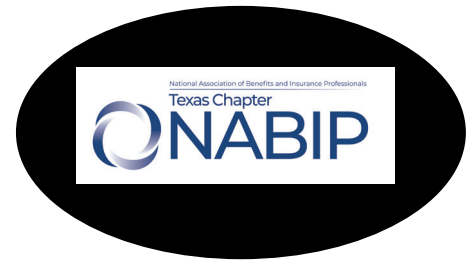
bott has said he will support primary challengers to anti-vouchers Republican House members.

Wednesday's dissonance between the governor and House mirrored what happened Tuesday. Abbott announced that he had "reached an agreement" on vouchers with House Speaker Dade Phelan's team, only for the speaker to demur and Republican holdouts to say there was, in fact, no such deal. For all his pronouncements that the passage of a vouchers bill is imminent, Abbott has been unable to show publicly that any of the two dozen Republicans who opposed vouchers in a spring test vote have flipped.

That group of mostly rural conservatives, along with nearly all Democrats, have successfully blocked vouchers in the House.

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# U.S. Labor Department Sues UnitedHealth Group Subsidiary Over Denied Claims

By Alan Goforth - In the complaint filed last week, Labor Secretary Julie Su asked the court to order UMR to bring its procedures for handling claims in line with the law and re-adjudicate claims denied since 2015. The U.S. Department of Labor has filed a lawsuit against UMR alleging that the subsidiary of UnitedHealth Group improperly denied thousands of emergency department and drug screening claims without assessing the their merit. UMR is a third-party administrator that contracts with almost 2,140 self-funded plans to adjudicate their claims. [Read Full Article...](#)



## Payers Shortchanged \$1.1B In ACA Risk Adjustment Payments As Bright, Friday Fail To Meet Obligations: CMS

By Paige Minemyer

Bright Health Group and Friday Health Plans are both unable to pay their dues into the 2022 Affordable Care Act (ACA) risk adjustment pool, costing their peers more than \$1 billion, according to a notice from the Biden administration.

The Centers for Medicare & Medicaid Services (CMS) said Friday in a notice (PDF) that Bright made a “significant payment” toward its 2022 risk adjustment total of \$1.5 billion in September 2023, but its plans in Florida, Illinois, Texas and Colorado were not able to cover their share, a shortfall of nearly \$380 million from the \$1.9 billion owed in total.

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## Congress Shines Another Harsh Light on PBM Practices

By Gina Shaw

In a rare show of bipartisanship, members of Congress from both sides of the aisle agreed that pharmacy benefit managers (PBMs) have too much power and provide too little transparency during the second in a series of hearings on the role of PBMs in the health-care industry. The meeting was held by the House Committee on Oversight and Accountability on Sept. 19, 2023.

“Instead of fierce competition, now just three PBMs control 80% of the market, and each of the three major PBMs is owned by a major health insurer and owns or is owned by a pharmacy,” noted committee Chair James Comer (R-Ky.). “This means that when they negotiate with a health insurer, they are either negotiating with themselves or one of their direct competitors. The committee has made it a priority to expose the anticompetitive tactics by PBMs that are increasing healthcare costs for Americans and harming patient care.”

Ranking minority member Jamie Raskin (D-Md.) agreed, saying, “In the question of PBM profits versus patients, we need to make sure that patients are coming out on top every single time.”

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## Employers Shift Health Plan Costs In Wake Of IRS Notice

The notice said that list would be reviewed periodically to determine whether more items should be included if they are proven to either prevent certain conditions or improve chronic disease diagnoses.

When the Internal Revenue Service decided in 2019 to include more preventive services in the list of covered services for HSA health plans, the move was hailed as a step in the direction of better health outcomes for plan members. The theory: by encouraging plan members to use preventive services not just for general health but to address chronic conditions, more would take advantage of the “free” services and health outcomes would improve. [Read Full Article...](#)



## Telehealth Reimbursement Claims Come Under DOJ Scrutiny

The agency's attention shifts from hospitals to telehealth as Congress seeks to aid in false claims enforcement.

The U.S. Department of Justice's efforts to enforce the False Claims Act in the health care industry have shifted from hospitals and brick-and-mortar medical practices to bogus reimbursement claims in telehealth, corporate lawyers said this week.

The FCA allows the DOJ, as well as private plaintiffs, to sue individuals, companies or other entities that may have defrauded the government.

[Read Full Article...](#)



## Biden Admin Proposes Overhauls To Lambasted Out-of-Network Billing Dispute Resolution Process

By Dave Muoio

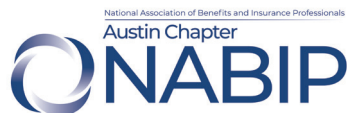
The Biden administration has proposed a new rule refining several aspects of the healthcare services billing process in response to criticisms levied from all sides of the industry.

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# August Chapter Agendas

## AUSTIN



NOVEMBER 16 - 3:30 PM - 5:00 PM

**NABIP Austin-November 16 Virtual Meeting - Gap Insurance: Bridging the High Cost of Medical Claims**  
Course Presenter: Joe Brining

**Summary:** With the increasing cost of employer sponsored health insurance, gap plans can be a method to reduce premium prices as well as member out of pocket costs. This session will provide attendees with a basic knowledge of Gap plans, design, and claims processing.

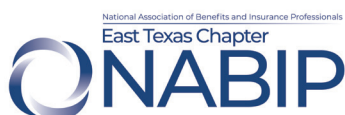
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## COASTAL BEND



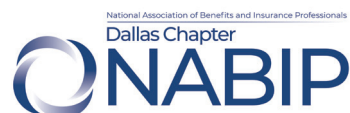
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## EAST TEXAS



[www.etahu.org](http://www.etahu.org)

## DALLAS



Wed, Nov 15 | Vouv Event Center

**Gag Clause Prohibition Compliance & Litigation Update**

Provider: StanleyKup Data Services, d/b/a StanleyKup Consulting

Presenter: Jennifer Stanley

Provider No: 201108, Course ID: 136831,  
One Hour Continuing Education

[www.dahu.org](http://www.dahu.org)

## LONESTAR



[www.lonestarahu.org](http://www.lonestarahu.org)

# August Chapter Agendas

## FORT WORTH



November 9 @ 4:00 pm - 7:00 pm  
"Gripe & Give"

Bar Louie 360 W Las Colinas Blvd, Irving,  
TX, United States

Join us at Bar Louie in Irving for our annual "Gripe and Give" Vanguard event. We are collecting coats, blankets, socks, etc. to give to those who would benefit greatly from our generosity. There's no cost to attend.

[www.fwahu.org](http://www.fwahu.org)

## HOUSTON



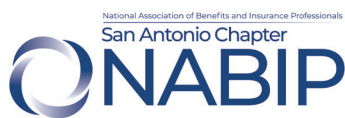
NABIP Houston November Happy Hour  
November 07, 2023 - 4:00 PM - 6:00 PM

Kirby Ice House  
1015 Gessner Road  
Houston, TX 77055

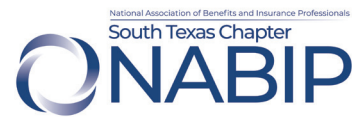
Come join NABIP Houston for a fun night at Kirby Ice House! Your purchase gets you 2 drink tickets and some fun networking with other insurance professionals in Houston. We look forward to seeing you there!

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