

ERIC Spring 2021 Virtual Policy Conference

Tuesday, April 27, 2021

11:00 a.m. – 4:15 p.m.

10:45 a.m. – 12:15 p.m. **Welcome, Q&A with U.S. Senator Cardin & Vaccines, Testing, and Getting COVID Under Control and Out of Our Lives**

U.S. Senator Ben Cardin (D-MD) will address ERIC members about legislation affecting employers that sponsor benefits plans. He will also answer questions from members.

His appearance will be immediately followed by the policy panel: **Vaccines, Testing, and Getting COVID Under Control and Out of Our Lives**

The Biden administration continues to send vaccines and tests to states that administer doses to populations as designated by specific vaccination plans. Many states choose to vaccinate essential workers – specifically those in health care, skilled nursing facilities, the elderly, and more. Large employers are an integral part of returning the country to pre-pandemic life, employ workers who should be deemed essential, and are a valuable partner to secure vaccination and testing.

Members will discuss their efforts to immunize their workforce, what administrative and policy barriers they currently face, and what we need from Congress, the administration, and states to get the country back on track.

12:15 p.m. – 1:00 p.m. **Break**

1:00 p.m. – 2:00 p.m. **Transparency in Health Care: Employers Step Up to the Plate**

In October 2020, the Trump administration finalized its health insurer and self-insured plan rule requiring that out-of-pocket costs, in-network negotiated rates (including drug pricing), and out-of-network payments be posted online to the public in an easy-to-read online format. Self-insured plans must start complying by January 1, 2022, and continue posting information to meet the 2024 deadline. Further, the Consolidated Appropriations Act of 2020 included provisions requiring employers to offer “advanced EOBs to participants” and outlawing “gag clauses” between ERISA plan vendors and health care providers. How will all this work together? What do we need to be doing? What are Congress and the administration going to do next?

This panel discussion will review the final rule, the specific policies ERIC should advance for its member companies, and what advocacy remains to ensure member companies have the information they need to comply and enhance patients’ experience.

2:00 p.m. – 3:00 p.m. **Break**

3:00 p.m. – 4:15 p.m. **Under Pressure - Paid Leave and Caregiving Stresses During COVID**

Prior to COVID, caregivers were already experiencing significant stress. However, the COVID-19 pandemic has exacerbated stresses with employees now watching their children whose school or daycare is closed, taking care of a sick spouse or child with resources limited by the pandemic, and coordinating care for elderly parents who need medical attention while navigating a pandemic outbreak. Those with access to paid leave benefits might get some relief, but are there further policy changes that are needed?

Join us for a discussion with large employers on the intersection of paid leave and caregivers' expanded needs in the pandemic.

Wednesday, April 28, 2021

11:00 a.m. – 4:15 p.m.

11:00 a.m. – 12:15 p.m. **Federal Court Changes and Significant Legal Threats under a New Administration**

Over 50 Federal court vacancies will be filled by the Biden administration, which may cause a change in court rulings. Will these new appointees be dynamic and affect widespread change or constrained by current precedents? How will plan sponsors be impacted by states who continue to preempt federal laws relating to employee benefits? Will litigation on large employer health and retirement plans ease up or continue?

Tony Shelley, Member of Miller and Chevalier Chartered, and John Ferreira, Partner of Morgan Lewis & Bockius LLP, will lead a discussion on prominent preemption cases, mandates, and the shift of federal courts under a Biden administration.

2:00 p.m. – 3:00 p.m. **Break**

3:00 p.m. – 4:15 p.m. **U.S. Senator Murray Remarks & Retirement Readiness in a Post-COVID Environment**

U.S. Senator Patty Murray (D-WA) discusses recent legislative wins for large plan sponsors.

Her remarks will be immediately followed by the policy panel: **Retirement Readiness in a Post-COVID Environment**

While the long-term effects of the COVID pandemic are still unknown, we do know that the pandemic has created and expanded financial stress for many workers. To help alleviate this stress, Congress implemented rules allowing

additional penalty-free withdrawals from retirement plans. However, what will be the long-term impact of COVID-related distributions and expanded loan provisions on long-term retirement security?

Beyond the direct impact of retirement plan distributions, what are other impacts on retirement security? For instance, will Congress now consider emergency savings programs or explore new tax treatment of DC plan contributions such as tax credits? Will the COVID situation make employees retire earlier or stay longer? Will we see a more defined phased retirement policy in the private sector? What will be the impact on lifetime income options and education?

Join us and policy experts to discuss federal policy implications, employer approaches, and ERIC's advocacy efforts in preparing the workforce for retirement.

Thursday, April 29, 2021

11:00 a.m. – 4:15 p.m.

11:00 a.m. – 12:15 p.m. **State Health Policy Roundup - Pivoting Policy to Adapt to COVID-19**

States passed emergency, temporary, and permanent provisions to help patients receive continued medical care as the coronavirus began and spread. Some measures were helpful to large employers and millions of Americans, such as expanded telehealth policy through interstate licensure and rules to protect patients and providers, as well as efforts to curtail surprise medical billing. Still, some state efforts would do more harm than good for ERISA plans and beneficiaries.

State innovators and stakeholders will talk about the reasoning behind telehealth and surprise billing policies in specific states, views on ERISA, and how states will address these policies beyond the current crisis.

12:15 p.m. – 1:00 p.m. **Break**

1:00 p.m. – 2:00 p.m. **Defined Benefit Plans – Now and Next**

Defined benefit plans are at an interesting point in ERISA's history – some are freezing, some are de-risking, some are thriving. Therefore, we are seeing legislation and policies that address all of these issues. COVID legislation and discussions have addressed multiemployer pension reform and single-employer funding relief. Overfunded plans are looking at opportunities to expand benefits for participants. And many companies continue to look at de-risking strategies as a long-term approach.

Join us as Congressional staff and policy experts discuss the legislation, policies, and practices that will potentially impact defined benefit plans and employers now and in the future.

2:00 p.m. – 3:00 p.m. **Break**

3:00 p.m. – 4:15 p.m. **The Coming Storm: Mental Health Policy in the Time of COVID**

The COVID-19 pandemic has worsened the mental health care crisis, leading Congress to consider developing major mental health legislation this year. Legislation may include changes to parity rules, efforts to stem provider shortages, and measures to address gaps in patient care. While there will no doubt be some proposals that could significantly increase costs or hamper plan design flexibility for large employers (such as easing medical management and mandating coverage of experimental treatments), there are other opportunities for Congress and large employers to work together relating to access, quality, and parity requirements.

This panel will include Congressional staff discussing policies Congress is considering, a review of ERIC’s mental health policy development, and a discussion of strategy on how large employers can best be engaged in the policy discussion.

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