

**2023 ERIC Virtual Fall Policy Conference**

**Tuesday, October 17**

11:00 a.m. – 4:00 p.m. (ET)

11:00 a.m. **Chairman’s Welcome**

Chairman Joe Pitra of ERIC’s Board of Directors

11:03 a.m. – 12:00 p.m. **Back to the Blueprint: A Look at Past and Future Paid Leave Policies with State Lawmakers**

The number and complexity of state paid leave policies have seen a meteoric rise ever since California established the first paid family and medical leave insurance program in the country. Two decades later, thirteen states as well as Washington D.C. have enacted their own mandatory programs, each with their own varying benefit standards, legal definitions, and administrative requirements to which employers must adapt. Join key state lawmakers for a conversation on their own state’s path to paid leave, reflections on the successes and shortcomings of established state programs, and expectations for emerging policy trends nationwide.

Moderator: Dillon Clair, Director of State Advocacy and Litigation, ERIC

Panelists:

State Senator Jennifer Boysko (Virginia)

State Senator Alice Mann, MD, MPH, (Minnesota)

State Representative Ruth Richardson (Minnesota)

State Representative Linda Serrato (New Mexico)

1:00 p.m. – 2:00 p.m. **Headaches, Heartburn, and Anxiety - Mental Health Parity Policy Implications**

Prior to the (MHPAEA) Proposed Rules being announced in late July 2023, employers stressed to the Department of Labor’s Employee Benefits Security Administration and the Department of Health and Human Services the importance for the Departments to understand the significant amount of resources being spent on mental health parity compliance, nonquantitative treatment limitations (NQTL) analysis, mental health access, and other issues that impact employer plans and patients. With a brief window for regulatory comments, the Proposed Rule is barreling toward enactment and implementation. This panel will explore the complexities surrounding the rule, what it means for employers and patients, and how ERIC can work to shape and improve the regulatory environment around MHPAEA.

Moderator: Mariana Forsberg, North America Health and Welfare Plans Design Supervisor, ExxonMobil

Panelists:

Tim Clement, Director of Legislative Development, American Psychiatric Association

Brad Lerner, Director, Public Policy, Manager, Behavioral Health and Enterprise Issues, Elevance Health

Joanne Roskey, Member, Miller & Chevalier

3:00 p.m. – 4:00 p.m. **Retirement Policy Update: View from the Hill**

Congress came together to enact the bipartisan SECURE 2.0 Act at the end of 2022. The retirement policy agenda has been shaped by that law’s implementation, as well as legislative priorities developed by a new Congress. For example, the landscape around retirement plan investment decisions has generated fierce debate. What issues will dominate the rest of this year and next? Is there a path for another big retirement bill – or targeted technical corrections to SECURE 2.0? And how might the presidential campaign influence policy? Join key congressional staffers to discuss retirement priorities and predictions for 2023 and beyond.

Moderator: Timothy Lynch, Senior Director, Government Relations Group, Morgan Lewis

Panelists:

Drew Crouch, Senior Tax and ERISA Counsel, Senate Finance Committee, Majority Staff

Jamie Cummins, Senior Tax Counsel, Senate Finance Committee, Minority Staff

Kara Getz, Chief Counsel, Congressman Richard Neal (D-MA-1)

Jeanne Klinefelter Wilson, Retirement Counsel, U.S. House Committee on Education and the Workforce, Majority Staff

4:00 p.m. - 4:10 p.m. **Raffle**

**Wednesday, October 18**

11:00 a.m. – 4:00 p.m. (ET)

11:00 a.m. – 12:00 p.m. **A Bridge Too Far: State Overreach on Pharmacy Benefits Threatens ERISA Preemption**

Since the U.S. Supreme Court’s decision in *Rutledge v. PCMA*, state lawmakers across the country have continued to test the extent to which they can regulate the practices of pharmacy benefit managers. This trend has resulted in a growing

number of laws and legislative proposals that overstep state authority in this space by directly impacting the design and administration of self-insured employer health care plans established under federal ERISA law. Join our panel of legal and policy experts for an analysis of ongoing litigation challenging these laws, differences between new policies, the threat they pose to ERISA preemption at large, and strategies for the critical fights ahead.

Moderator: Rich Glass, Principal, Mercer

Panelists:

Michael Kimberly, Partner, McDermott, Will, & Emery

Mia McCord, Executive Director of Texans for Affordable Health Care and Owner of Hourglass Strategies

Miranda Motter, Senior Vice President, State Affairs and Policy, AHIP

1:00 p.m.- 1:40 p.m.

**A Fireside Chat with Brian James Miller, MD, MBA, MPH**

Dr. Brian James Miller is the Assistant Professor of Medicine at Johns Hopkins Medicine, a Fellow at the American Enterprise Institute, and a Member of the Medicare Evidence Development & Coverage Advisory Committee. Dr. Miller will be speaking with James Gelfand, ERIC's President and CEO, on health care topics such as transparency, pricing, and innovation in health care and its impact on employer plans.

Introduced by Julianne Galloway, VP Global Benefits, AT&T

2:00 p.m. – 2:30 p.m.

**A Fireside Chat with Carol Weiser**

Carol Weiser is the Benefits Tax Counsel at the U.S. Department of the Treasury. She directs the activities of the attorneys, accountants, and actuaries who develop and review policy, legislation, regulations, and revenue rulings dealing with all aspects of employee benefits taxation and related matters. Ms. Weiser and ERIC's policy team will discuss health and retirement policies impacting employer plans now and into the future.

Introduced by Drew Clark, Vice President and General Counsel, McKee Foods Corporation

3:00 p.m. – 4:00 p.m.

**The Coming Tsunami of Regenerative Therapies and the Impact on Employer Sponsored Health Benefit Coverage**

Join us for a conversation with a diverse group of stakeholders to flesh out the challenges and opportunities employers should consider about potentially curative, new drug therapies, how this could affect benefit design, and the public policy proposals being considered to address these issues. With many new therapies in the pipeline set to come online in the coming years, each of which

could come with an immense price tag, Congress and outside stakeholders have put forth an array of different proposals to spread risk, share burdens between private insurance and government programs, and realign payment systems. What should employers support? Be a part of the conversation.

Moderator: Tasha Barbour, Managing Director, Aon Reinsurance Solutions

Panelists:

Jamie Sullivan, Senior Director of Policy, EveryLife Foundation for Rare Diseases

Luke Prettol, Lead Benefits Strategy Consultant, AT&T Services, Inc.

Taylor Hittle and CJ Mahler, Republican Professional Staff Members, House Committee on Education and the Workforce

4:00 p.m. - 4:10 p.m. **Raffle**

**Thursday, October 19**

**11:00 – 4:00 p.m. (ET)**

11:00 a.m. – 12:00 p.m. **Can Policy Changes Help Promote Lifetime Income?**

Financial market changes resulting from COVID-19, inflation, and interest rate fluctuations have affected both defined benefit (DB) plans and the decisions defined contribution (DC) plan participants make in taking distributions to provide income in retirement. Many policymakers in Washington D.C. continue to believe that the transition away from DB plans has created challenges for plan beneficiaries, and continue to explore policy options to promote lifetime income products in plan design. This panel will review the state of play of lifetime income and policies aimed at promoting this option, and address key questions about ongoing proposals, including: What effects have the changes to the defined benefit rules in the *American Rescue Plan Act* had? How did the *SECURE Act of 2019* and *SECURE 2.0* shape lifetime income options for plan participants? Would other policy changes help workers receive secure income in retirement?

Moderator: Bridget Bearden, Research and Development Strategist, EBRI

Panelists:

Sudipto Banerjee, Vice President, Retirement Thought Leadership, T. Rowe Price

Jillian Enoch, Policy Director, Retirement and Healthcare, Fidelity Investments

Chris Spence, Managing Director, Government Relations, TIAA

1:00 p.m. – 2:00 p.m. **Congressional Update: Hot Topics in Health Policy**

Defying many pre-2023 predictions, the 118<sup>th</sup> Congress is spending an inordinate amount of time on health policy. From PBM and drug issues, to hospital and insurer price transparency, mental health and substance use disorder, and many other hot topics, Congress has delved deep into many issues of great importance to plan sponsors. Join seasoned health care leaders representing key elected officials in a roundtable discussion regarding the latest forecast for year-end Congressional action on health care policies impacting ERIC member companies.

Moderator: Bob Shepler, Director, Government Relations, Lockheed Martin Corporation

Panelists:

Nolan Ahern, Senior Policy Advisor, Congressman Tom Emmer (R-MN-6)

Matt Fuentes, Legislative Assistant, Senator Chuck Schumer (D-NY)

Sarah Schmidt, Health Policy Director, Senator John Thune (R-SD)

Carrie Hughes, Director of Health and Human Services Policy, House Committee on Education and Workforce, Minority Staff

3:00 p.m.

**President's Remarks**

3:02 p.m. – 4:00 p.m.

**Where the Rubber Meets the Road: No Surprises Act Implementation and Litigation**

The *No Surprises Act* was signed into law as part of the Consolidated Appropriations Act of 2021 in a concerted effort to protect patients from “surprise” out-of-network medical bills and stem the rise of out-of-control health care costs that millions of Americans face today. ERIC has worked closely with lawmakers and allies not only to craft and advance this landmark law, but to support the implementation of its significant safeguards through agency regulation. Unsurprisingly, the medical providers and hospitals that benefit most from the surprise billing status quo wasted little time in challenging these changes, filing a deluge of lawsuits aimed at diluting and rolling back the new rules as much as possible. Join us for an engaging panel discussion on the state of *No Surprises* implementation, the status and outcomes of litigation opposing the law’s implementation, and the impact this spreading fight could have on patients, employers, and TPAs and insurers.

Moderator: Julia Zuckerman, Vice President & Senior Consultant Retirement and Health Compliance, Segal

Panelists:

Zachary Baron, Director of the Health Policy and the Law Initiative at  
Georgetown Law's O'Neill Institute for National and Global Health Law

Alexis Ahlstrom, Vice President, External Affairs, UnitedHealth Group

Ryan Temme, Principal, Groom Law Group

4:00 p.m. - 4:10 p.m.    **Raffle & Closing Remarks**

**\*ERIC Antitrust Statement:** As a reminder, all ERIC meetings and activities are to be conducted in full compliance with the ERIC Antitrust Policy. The antitrust laws prohibit competitors from agreeing on prices to be charged or otherwise taking steps that harm free and fair competition among them. While ERIC's primary mission and activities are entirely consistent with the antitrust laws, if you have any concerns about a particular topic or discussion, please raise it with ERIC staff.