

ERIC's Fall 2022 Policy Conference

Wednesday, September 28

12:00 p.m. – 6:00 p.m.

11:30 a.m. – 12:30 p.m. **Registration Opens & Lunch**

12:30 p.m. – 12:45 p.m. **Chairman's Welcome**

Chairman Joe Pitra of ERIC's Board of Directors will start the conference with opening remarks.

12:45 p.m. – 1:45 p.m. **Quack Quack! What to Expect During the Congressional "Lame Duck" Session**

The Lame Duck session is a time when Congress can pass significant legislation as retiring and defeated members of the House or Senate vote along with returning ones. Or it can be a time without meaningful legislation as Congressional leadership prefers to hold off until new members are sworn in at the beginning of the two-year term in January. Where would these scenarios leave legislation and policies that ERIC member companies care about?

House and Senate staffers from both sides of the aisle will discuss what may happen for the rest of the year in health, retirement, executive compensation, and paid leave policy.

Moderator: Bob Shepler, Director, Corporate Tax Benefits and Government Affairs, Civil and Regulatory Affairs, Lockheed Martin

Panelists

Kevin McDermott, Labor Policy Director, House Education and Labor Committee Majority

Elizabeth Darnall, Senior Health Policy Advisor, Senate Health, Education, and Labor Committee Majority

Jamie Cummins, Tax Counsel, Senate Finance Committee Minority

Edward Kim, Legislative Director, Congressman John Moolenaar (R-MI-4)

Casey Badmington, Senior Policy Advisor, Sen. Catherine Cortez Masto (D-NV)

1:45 p.m. – 2:45 p.m. **Defined Benefit Plans: Assessing the Impact of the MAP-21 Act 10 Years Later**

In 2012, President Obama signed the Moving Ahead for Progress in the 21st Century ("MAP-21") Act, a massive surface transportation bill that raised PBGC premiums and changed defined benefit pension funding rules. What happened to

DB plans as a result of the funding rule changes and the significant PBGC premium increases included in MAP-21? And did the governance changes included in the legislation, such as the establishment of a PBGC Participant and Plan Sponsor Advocate, enhance the retirement system? Join our expert panelists in a retrospective of MAP-21 after 10 years.

Moderator: Andy Banducci, Senior Vice President, Retirement and Compensation Policy, ERIC

Panelists

Connie Donovan, PBGC Participant and Plan Sponsor Advocate, PBGC

Tom Reeder, Former Director, Pension Benefit Guaranty Corporation; and Former Senior Benefits Counsel, U.S. Senate Committee on Finance

Lori DeVore, Partner, Ohio Retirement Practice Leader, AON

2:45 p.m. – 3:00 p.m. **A Fireside Chat with Ranking Member Virginia Foxx (R-NC)**

Dr. Virginia Foxx is the Ranking Member of the House Education and Labor Committee and is an influential advocate on issues affecting employers that sponsor benefit plans for their employees. She will discuss with ERIC’s policy team her priorities in retirement and health care policy.

Introduced by Scott Betts, Vice President, Product Development, DMBA

3:00 p.m. – 4:00 p.m. **The Future of State Telehealth**

Nationwide use of telehealth services is broader and more accessible today than ever. The COVID-19 pandemic highlighted the incredible utility of these services as well as their cost-saving potential to patients and plan sponsors alike. While the pandemic spurred states across the country to update, expand, and reinforce telehealth policies, many state lawmakers have begun to push back on the substantial progress that has been made in this space. From licensure reciprocity and prescription practices to reimbursement requirements and mental health parity, take part in an in-depth discussion of state telehealth policy and advocacy fights still on the horizon.

Moderator: Kyle Zebley, Vice President, Public Policy, The American Telemedicine Association

Panelists:

Lisa Robin, Chief Advocacy Officer Federation of State Medical Boards

Quinn Shean, Vice-Chair, Uniform Law Commission Committee on Telehealth

Jordan See, Director of Government Affairs, Teladoc Health, Inc.

4:00 p.m. – 5:00 p.m. **Keynote Speaker: Dr. Larry Sabato**

Dr. Larry Sabato is a political analyst, founder, and director of the University of Virginia’s Center for Politics. He delivers engaging and thought-provoking analysis in his political prediction newsletter, Sabato’s Crystal Ball. As one of the nation’s most respected political analysts, Dr. Sabato will share and explain his predictions for the 2022 Midterm election.

Introduced by **Dave Brennan, Vice President, National Accounts Sales, Group Benefits, MetLife**

5:00 p.m. – Close **Fall Conference Reception**

Thursday, September 29
7:00 a.m. – 2:15 p.m.

7:00 a.m. – 8:00 a.m. **Breakfast**

8:00 a.m. – 8:15 a.m. **Welcome & Annual Members Meeting**

8:15 a.m. – 9:15 a.m. **Regulation by Enforcement and Litigation**

The modern administrative state wields enormous power over the employee benefit landscape. Most significant rulemaking permits an opportunity for stakeholders, such as plan sponsors, to offer comments regarding legal and practical implications of proposed regulations. But what happens when agencies skip that process and pursue novel legal interpretations in the context of litigation or pursue endless investigations? Besides rulemaking, agencies use administrative subpoenas and other investigatory tools, enforcement actions, and amicus curiae briefs to interpret and shape the laws that Congress instructed them to enforce. In recent years, issues surrounding missing participants, cybersecurity, and mental health parity have all been the subject of “regulation by enforcement.” Which legal areas are currently under the microscope, and what might be next? What limits exist on agency authority? And will the Supreme Court’s decision in *West Virginia v. EPA* modify agency behavior? Join our panelists as they analyze the regulatory landscape.

Moderator: Alice Joe, Vice President, Government Relations, Fidelity Investments

Panelists

Ilene Grant, Vice President and Associate General Counsel – Litigation, Corporate Compliance and Employment, Alight

Michael Stoyanovich, CDPSE, Vice President, Senior Consultant, Segal

Charletta Young, Assistant Vice President Benefit Consultant Senior, The PNC Financial Services Group, Inc

Amy Gordon, Partner, Winston & Strawn LLP

9:15 a.m. – 10:15 a.m. **The Prices Are Coming! A Discussion of the Transparency in Coverage Rules**

In October 2020, the Trump Administration finalized its Transparency in Coverage rule for health insurers and self-insured plans, requiring that out-of-pocket costs, in-network negotiated rates (including drug pricing), and out-of-network payments be posted online for the public. This year self-insured plans started to comply and they continue posting information to meet the rolling 2024

deadline for other aspects of the rule. How burdensome are the compliance requirements for employers? Where were the snags and what worked well? Will the information impact health care choices yet? What are Congress and the Administration going to do next on transparency? This panel will discuss the experience complying with the Transparency in Coverage rule.

Moderator: Cheryl Hughes, Senior Principal, Law and Policy Group, Mercer

Panelists

Alexis Ahlstrom, Vice President, Head of Policy, UnitedHealth Group

Dr. Nimit Jindal, PharmD., Legislative Assistant, Rep. Joseph Morelle (D-NY-25)

Nicole Curtis, Global Benefits Design Manager, ExxonMobil

10:15 a.m. – 10:30 a.m. **Break**

10:30 a.m. – 11:00 a.m. **Inflation Reduction Act and Prescription Drugs**

The *Inflation Reduction Act* was the most sweeping legislation passed into law in years, and included provisions on climate, tax, and health care policies that were originally in the *Build Back Better Act*. This includes the most significant changes to prescription drug policy in a generation, allowing Medicare to negotiate the price of certain prescription drugs and capping annual out-of-pocket prescription drug costs for Medicare beneficiaries starting in 2025. But how do these Medicare policies impact employers and their employees?

Join ERIC for a conversation with Loren Adler, an Associate Director of the USC-Brookings Schaeffer Initiative for Health Policy, a partnership between Economic Studies at Brookings and the University of Southern California Schaeffer Center for Health Policy & Economics, to discuss the impact of the *Inflation Reduction Act's* prescription drug policies on employer-sponsored health insurance.

11:00 a.m. – 11:30 a.m. **House GOP's Health Care Priorities with Rep. Brett Guthrie (R-KY)**

Congressman Brett Guthrie (R-KY) is the co-chair for the Healthy Future Task Force, which is House Republicans' policy group focused on modernizing the American health care system to lower costs, keep Americans healthy, develop better therapies and cures, and empower Americans with more choices.

Congressman Guthrie will provide remarks on the current policies of the Healthy Future Task Force and answer important questions relating to House Republicans' health care agenda.

The Congressman will be introduced by **James Gelfand, President, The ERISA Industry Committee.**

11:30 a.m. – 11:50 a.m. **A Conversation with Rep. Earl Blumenauer (D-OR)**

Congressman Earl Blumenauer is a member of the House Ways and Means Committee and its Subcommittee on Health. Congressman Blumenauer will discuss with us his priorities, current legislation that would benefit employees' health and wellness, and the importance of retirement security.

The Congressman will be introduced by **Sam Marchio, Vice President, Federal and External Affairs, Elevance Health**

11:50 a.m. – 12:00 p.m. **Announce Small Break for Lunch**

12:00 p.m. – 1:00 p.m. **Lunch & Looking Ahead: What Could Come in an Era of Divided Government**

The November Midterm elections are quickly approaching, bringing uncertainty to the policy landscape. After two years of Democrat control of the House, Senate, and White House, the elections could significantly change dynamics on both ends of Pennsylvania Avenue. If there is divided government, will bipartisanship prevail, or will Washington become even more partisan? How might the President's agenda change? What benefits policies are likely to advance?

Take part in a conversation about how the November elections could impact health, retirement, executive compensation, and paid leave policy.

Moderator: Stacey Dion, Managing Director and Global Head of Government Affairs, The Carlyle Group

Panelists:

Debra Curtis, Vice President, McDermott+Consulting

Ryan Long, Senior Policy Advisor and Counsel to House Republican Leader Kevin McCarthy

Ven Neralla, Chief of Staff, Rep. Andy Levin

Lindsey Seidman, Deputy Staff Director, Senate Health, Education, Labor and Pensions Committee Minority

1:00 p.m. – 1:15 p.m. **Raffle & Closing Remarks**

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