

THE COUNCIL OF EMPLOYEE BENEFITS EXECUTIVES ADVISORY COMMITTEE (CEBE)

Meeting Recap: The Council of Employee Benefits Executives
February 6, 2024
Washington, D.C.

KEY TAKEAWAYS

CEBE convened to discuss political and legislative updates, an update on the retirement study group, pharmacy benefit manager (“PBM”) transparency, the Department of Labor’s (“DOL”) Proposed Rescission of the Association Health Plan Rule, House Education and Workforce’s request for ERISA reform proposals, end-stage renal disease, and an update on CouncilPAC. The group also heard from Steve Ubl, PhRMA President and CEO on several issues.

SPEAKERS

Interview with Steve Ubl (PhRMA President and CEO) – Joel Wood, Council President

Steve Ubl (PhRMA) and Joel Wood (The Council) discussed recent Food and Drug Administration (FDA) drug approvals, Florida’s drug importation plan, the pharmaceutical supply chain, intellectual property and COVID-19 vaccines, Medicare out-of-pocket cost caps for seniors, the Inflation Reduction Act’s Medicare drug negotiation provisions, and PBM transparency and reform.

Group members and Steve Ubl discussed how PhRMA member companies determine drug prices, PBM transparency, and data companies entering the prescription drug market.

Political Update - The Council’s Government Affairs Team & Steptoe

The Committee heard from Joel Kopperud and Blaire Bartlett on the status of fiscal year (FY) 2024 federal funding, the divided nature of Congress, bipartisan support for PBM transparency, November election outlook and key Senate races, the Smith-Wyden tax legislation and upcoming expiring tax provisions in 2025, legislative efforts related to a public option and Medicare for All, and the Affordable Care Act (ACA) and 1332 waivers.

Group members and the Government Affairs team discussed the impact of abortion politics in elections, political polling accuracy, the growth of state-based exchanges and rising costs of premiums in health plans, Florida’s proposal to allow the re-importation of Canadian drugs, educating legislators on PBM transparency, and hospital pricing transparency.

The group also discussed the need for sufficient data for consumers. Scott Sinder suggested getting feedback from companies on data translation and identifying gaps.

Health and Benefits Issues – The Council’s Government Affairs Team & Steptoe

Retirement Study Group Update

Blair Bartlett reported Retirement Study Group is conducting quarterly meetings with the next scheduled meeting on April 22.

Scott Sinder and group members discussed reasonable pricing plan lawsuits and collateral damage of legal involvement.

DOL Proposed Rescission of the Association Health Plan Rule

Scott Sinder provided background on the Association Health Plan Rule and asked about the negative impact of the proposed rescission.

House Ed and Workforce ERISA RFI

Scott Sinder reported that the House Education and Workforce Committee is requesting ERISA information and legislative proposals as it considers potential ERISA reforms related to the 50th Anniversary of the law's enactment. He suggested focusing on strengthening ERISA's state law preemption. The Council seeks input on its submission and will circulate more information to the group.

End Stage Renal Disease/Coalition

Blair Bartlett stated that Advocates for Fair Dialysis and Renalogic are forming a coalition and asked The Council to join. Scott Sinder discussed the coalition and the Supreme Court's *Marietta* opinion in 2022, and issues related to reimbursement for dialysis services, and a group member stated this impacts Council member firm clients greatly. Another group member discussed the American Kidney Fund's involvement with this issue.

CouncilPAC Update – Matt Stadler, CouncilPAC CEBE Chair

Matt Stadler reported that the 2024-2025 goal is \$3M and discussed the need for 100% participation from the Board and CEBE.