

With Janet Trautwein
Executive Vice President & CEO

Welcome NAHU Chapters!

Welcome NAHU members and guests attending live events around the country.

Today's webinar will cover:

- The results from the 2016 elections
- What to expect from the incoming Trump administration
 - The future of the ACA and health reform
 - The incoming Congress
 - NAHU's role in health reform

For Your Information





Today's presentation is available for pdf download in the handouts section of your webinar pane.

This webinar is being recorded will be available for members to download from the webcasts page on nahu.org



Have a Question?

Ask it in the questions box at any time during the webinar.

We will address as many of these as time permits at the end of the webinar.

Please note:

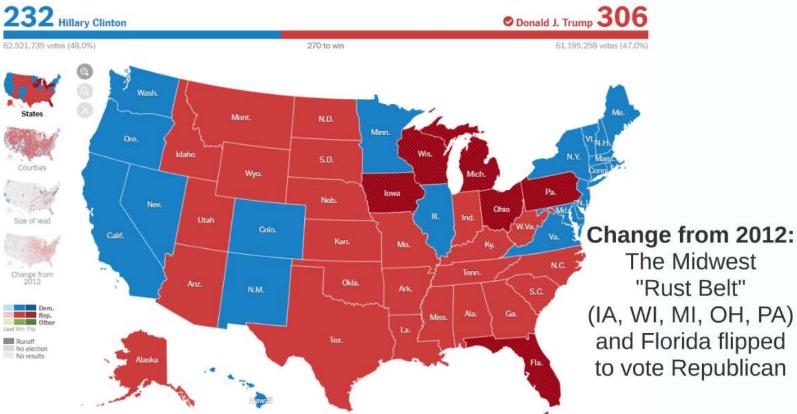
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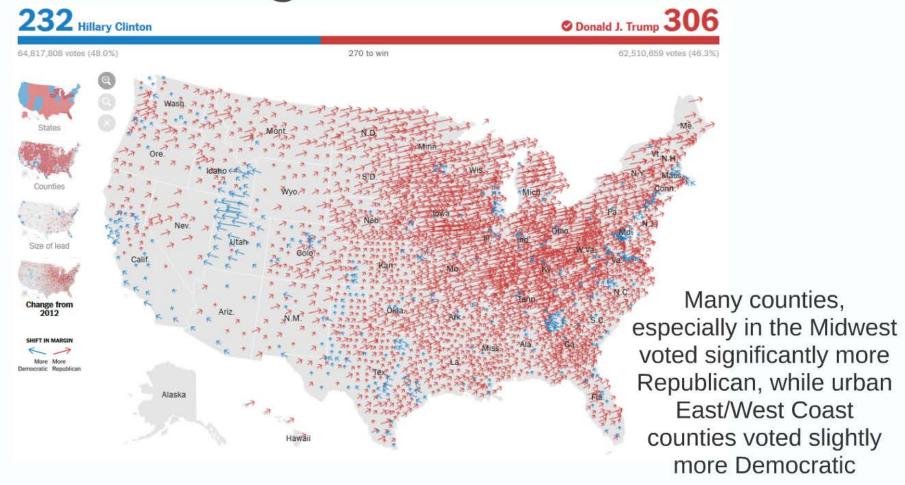
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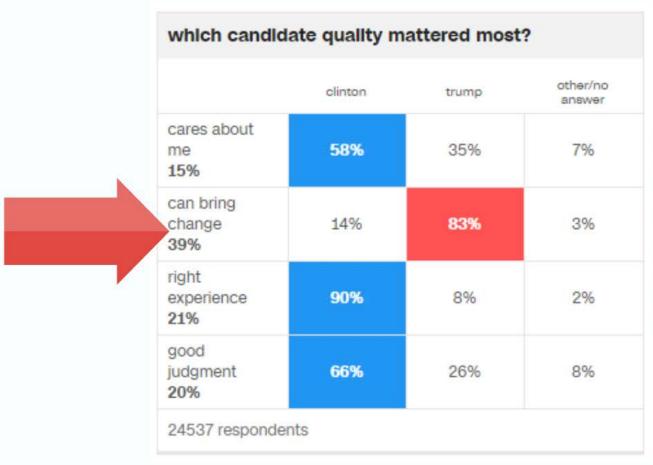




Changes from 2012



Major Takeaways



Voters wanted
Change and
overwhelmingly
saw Donald Trump
as the person who
could bring it.

Source: http://www.cnn.com/election/results/exit-polls

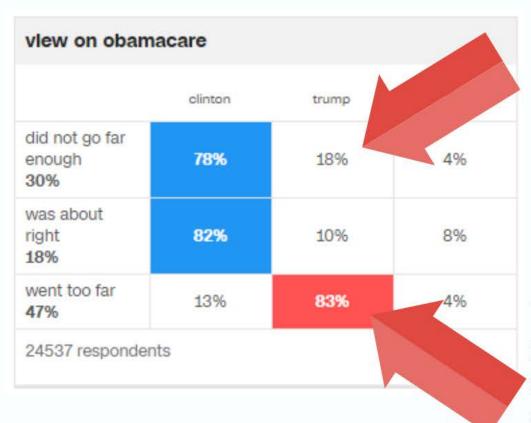
Voters were almost evenly split between a more conservative approach vs. continuation of Obama/more liberal approach



one in four votes of people who want his administration to have *more liberal* policies

than Obama

Source: http://www.cnn.com/election/results/exit-polls



Incredibly, Trump won nearly 1 in 5 voters who think that healthcare should *go further* than President Obama on the ACA.

Trump voters strongly opposed the ACA, while Clinton voters were more split on the law.

Source: http://www.cnn.com/election/results/exit-polls

Results Raise More Questions

Was this a change election?

Trump wins largely on an anti-establishment message, but voters overwhelmingly chose to "keep the bums in," preferring to re-elect establishment politicians over outsiders at all other levels of government.

Is there a governing mandate?

Trump soundly defeated Clinton in the Electoral College, but lost the nationwide popular vote by over 2 million votes

If there is there a governing mandate, what is it for healthcare?

Voters were as divided on health reform as they were 8 years ago, and there is no consensus how best to move forward

The Bottom Line

Americans are deeply divided overall

Healthcare remains an incredibly divisive issue in this country

The election results will give Republicans nearly unilateral control to change Obama administration programs, including the ACA.

But...

Changing any Obama Administration policies, particularly healthcare, will re-ignite the passions and battles from 2009/10



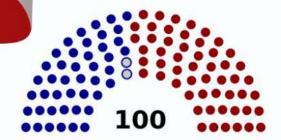


34 of the 100 U.S. Senate Seats were up for election

- Republicans defended 24 seats;
 Democrats defended 10 seats
- Democrats needed to pick up at least 4 seats for senate control

Senators are elected to 6-year terms, with 1/3 of the Senate up for election every two years.

51 members gives a party control of the chamber to set the agenda, but 60votes are necessary for "cloture," to break a filibuster and pass legislation under regular order.

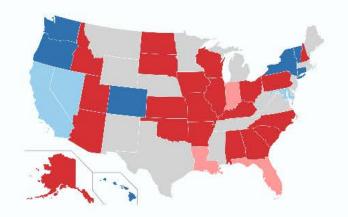


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Most-likely to flip: Result:

FL (Rubio)

GOP HOLD - Rubio Re-elected

DEM GAIN - Tammy Duckworth Elected

IN (Coates - Retiring) GOP HOLD - Todd Young Elected MO (Blunt) GOP HOLD - Blunt Re-elected NC (Burr) GOP HOLD - Burr Re-elected

NH (Ayotte)

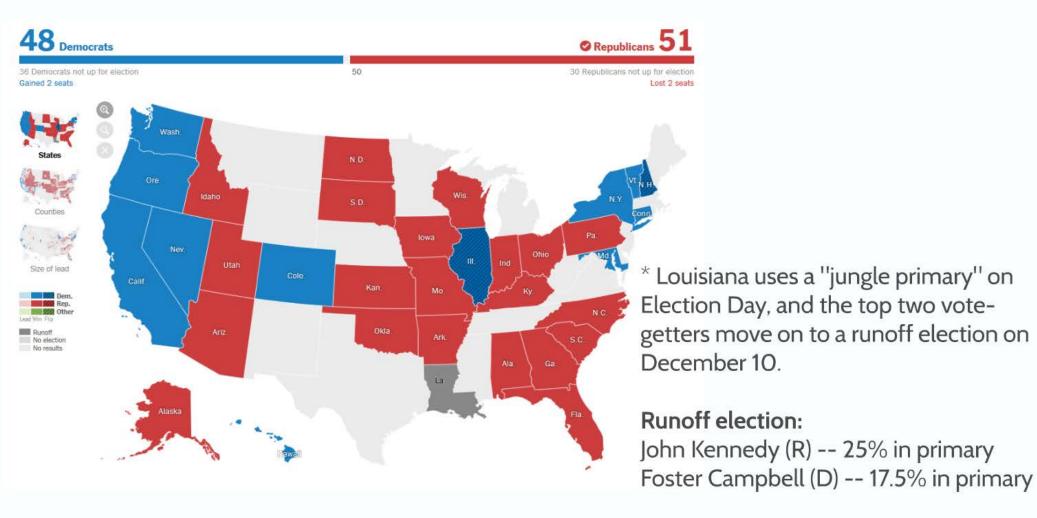
DEM GAIN - Maggie Hassan Elected

NV (Reid - Retiring)

DEM HOLD - Catherine Cortez Masto Elected

NV (Reid - Retiring)
PA (Toomey)
WI (Johnson)
DEM HOLD - Catherine Cortez Masto I
GOP HOLD - Toomey Re-elected
GOP HOLD - Johnson Re-elected

Result: Democrats Gain 2 Seats, Republicans Retain Control of the Chamber 51-48*





All 435 Seats of the House of Representatives were up for election

- Republicans defended 247 seats;
 Democrats defended 188 seats
- Democrats needed to pick up 30 seats for House control

Representatives are elected to 2-year terms, with every member up for election every two years.

218 members gives a party control of the chamber to set the agenda and pass legislation under regular order using only a simple majority.

Result: Democrats Gain 6 Seats, Republicans Retain Control of the Chamber 239-194*



In the States...

Overall 2016 Colorado Ballot Measures Election Results

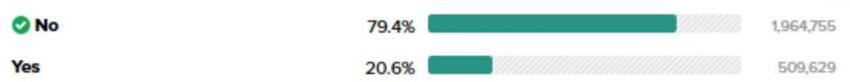
Key Ballot Measures

Polls Closing: 9:00 PM ET

State Healthcare System

Amendment 69 is a vote on creating ColoradoCare, a system designed to provide universal healthcare for Colorado residents.

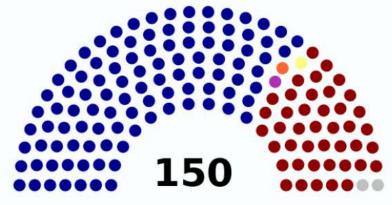
100% Reporting



Single-payer "New York Health Act" (A. 5062/S. 3525)

63
State Senate Narrowly
Controlled by Republicans

Passed assembly 92-52 in May 2015



State House Dominated by **Democrats**

All 63 seats in the New York State Senate were up for election in 2016.

Projection: 32 Republicans / 31 Democrats

By a 1-vote margin, Republicans look to be able to again block single-payer legislation in the next session.



We are a non-partisan association and do not endorse any candidate or political party.



Health Underwriters

POLITICAL ACTION COMMITTEE

HUPAC contributes ~\$1 million each election cycle to candidates who support agent and broker issues and the employer-based healthcare system

Total Candidates Funded:	217	Pct.	\$ 664,000.00	\$ Percentage
Win:	207	95%	\$ 618,500.00	93%
Loss:	10	5%	\$ 45,500.00	7%
House Candidates:	196	90%	\$ 525,500.00	79%
Senate Candidates:	21	10%	\$ 138,500.00	21%
Democratic Candidates:	66	30%	\$ 213,500.00	32%
Republican Candidates:	151	70%	\$ 450,500.00	68%
Incumbent Candidates:	207	95%	\$ 637,000.00	96%
Challenger / Open Seat Candidates:	10	5%	\$ 27,000.00	4%
Incumbent Not Seeking Re-Election	10	4%	\$ 27,000.00	4%

Total Republican Candidates Funded:	151	Pct.	\$ 450,500.00	\$ Percentage
Win:	144	95%	\$ 421,000.00	93%
Loss:	7	5%	\$ 29,500.00	7%

Total Democratic Candidates Funded:	66	Pct.	\$ 213,500.00	\$ Percentage
Win:	63	95%	\$ 197,500.00	93%
Loss:	3	5%	\$ 16,000.00	7%

Looking Ahead to **2017**

	POTUS:	Clinton	Trump
	Senate D	ACA	ACA
	House D	Remains	Remains
Congress	Senate D	ACA	ACA
	House R	Remains	Remains
Cong	Senate R	ACA	ACA
	House D	Remains	Remains
	Senate R	ACA	ACA
	House R	Remains	Repealed

Republicans Control both the White House and Congress, **Now What?**

- Setting the Agenda
- The First 100 Days
- Executive Orders vs. Congressional Action
 - Repeal/Replace (with what?)
 - Continued implementation of ACA

Donald Trump and the Republican Party Healthcare Principles

Repeal and Replace "or Amend" the Affordable Care Act

Individuals with

preexisting conditions

who maintain continuous

coverage should be

protected from

discrimination.

Return power to the states in regulating insurance markets, limit federal requirements on both private insurance and Medicaid, and reconsider costly mandates

Empower individuals and small businesses to form purchasing pools

Allow the purchase of insurance across state lines, repeal McCarran-Ferguson Act, which protects insurance companies from antitrust litigation

Promote Health Savings Accounts (HSAs), price transparency and enact medical liability reform Reform the Food and Drug Administration (FDA)

Give Medicare
recipients the option of
traditional Medicare or
transitioning to a
premium-support
model; impose no
changes for persons
55 or older

Give Medicare enrollees an income-adjusted contribution toward a plan of their choice

Block grant Medicaid and other payments, and assist all patients, including those with pre-existing conditions, to obtain coverage in a robust consumer market.

Politico/Morning Consult: 74% of Republican voters consider ACA repeal a top priority

Trump on Regulations: "cancel every unconstitutional executive action, memorandum and order issued by President Obama,"

Trump on Replacement: There won't be "a two-day period" or "a two-year period where there's nothing,"

period" or "a two-year period where there's nothing,"

Paul Ryan Replacement: "A Better Way" Released in June provides general roadmap for Republican replacement - however, still no strong party consensus.

- Cap Employer Exclusion
- Re-instate High Risk Pools
- Medicaid Block Grants
- Medicare Premium Supports
- Promote Use of Health Savings Accounts
- Retain many market reforms and consumer protections under ACA

How could "Repeal/Replace" Work?



Complete Repeal and Replace

Republicans use "regular order" and pass a bill repealing and replacing it in both chambers (218 votes needed in House, 60 votes in senate), send to President Trump to sign into law. Would need at lest 8 Democrats in the Senate.



Amend the Current Law

Republicans work with Democrats under regular order to change the components of the law that have bipartisan appeal. Needs 218 House votes, 60 Senate votes. **Would need at least 8 Democrats in the Senate**.



Partial/Piecemeal Repeal through Reconciliation

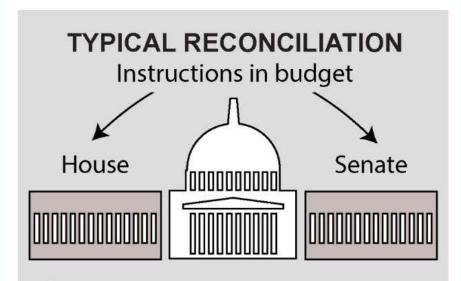
Republicans pass a budget document instructing Congress to pass legislation repealing parts of the law that are budget relevant. Needs 218 votes in the House, 51 votes in Senate. Would retain many existing elements of the ACA.

What is Reconciliation?

Process to pass legislation in the Senate with only 51 votes, instead of usual 60

- Components MUST have a budgetary impact
- Can repeal cost-drivers; but many insurance market reforms can not be repealed

The ACA was passed in 2010 through this process. After the Senate and House each passed their respective ACA bills, the following week both chambers passed the reconciliation bill to make several budget-relevant changes to the law.



Committees in both chambers respond to instructions in the budget resolution and develop proposals to be considered under reconciliation's expediited procedures.

Image source: https://www.brookings.edu/blog/fixgov/2015/10/01/ government-shutdown-avoided-for-now-and-a-new-gop-strategy-takes-shape/

Republican Reconciliation Blueprint

H.R. 3762 passed by both House/Senate in late 2015/early 2016, vetoed by President Obama in January 2016.

Repeals: The Prevention and Public Health Fund, the reinsurance program, premium and cost-sharing subsidies, small business tax credits, individual and employer mandate penalties, Planned Parenthood funding, the Medicaid expansion, Medicaid DSH cuts, the "Cadillac Tax", limits on FSAs, and taxes on health insurers, pharmaceutical manufactures, device makers, indoor tanning facilities, net investment income, payroll income, out of pocket healthcare costs, deductibility for employer-provided Part D coverage, OTC medications, and HSA expenditures.

Major Issues:

Repeals only the budget-relevant items of the ACA Immediate: Individual mandate/penalties Transition/Delay: Subsidies/Medicaid expansion

Republicans have yet to coalesce around a single "replace" bill in 6+ years since the ACA was passed, no guarantee they can now.

Only repeals the law, does not put in a replacement - only tells Congress to eventually come up with legislation

Potential for a death spiral of the individual market with increased adverse selection if replace plan doesn't follow repeal

Could be very disruptive for 20 million consumers and constituents

Passage of any replacement plan that is non budget-related will still need support of at least 8 Democratic senators

Does not repeal market reforms – guarantee issue, pre-ex, gender rating; etc

Carriers could pull out of individual market for 2018

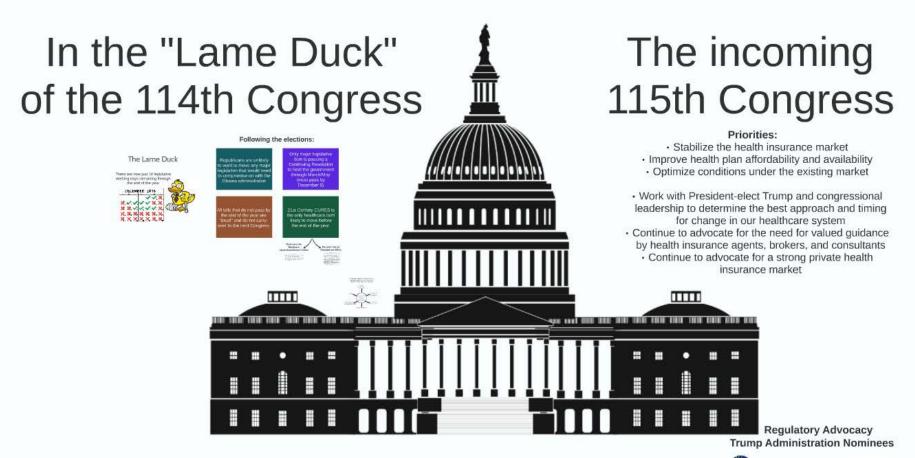
Meanwhile...

As Congress and the incoming Trump administration deliberate

The ACA and all of its regulations, penalties, enforcement, etc

Remains the Law of the Land

NAHU will continue to advocate on behalf of agents/brokers and your clients









Administrator of the Centers for



The Lame Duck

There are now just 10 legislative working days remaining through the end of the year

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The Lame Duck

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Following the elections:

Republicans are unlikely to want to move any major legislation that would need to compromise on with the Obama administration Only major legislative item is passing a Continuing Resolution to fund the government through March/May (must pass by December 9)

All bills that do not pass by the end of the year are "dead" and do not carryover to the next Congress 21st Century CURES is the only healthcare item likely to move before the end of the year.



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formal Baseman Health Claim Relief Act p. 156 fa. Common of by R software shakes Charles Bestvarey (F.-4.) and Main Processon (C. Cris, and the Common of the Common of the Common of the Health Common of the Common of the Common of the Health Common of the Common of the Common of Health Common of the Common of the Health Common of the Common of the Health Common of the Common of Health Common of the Common of the Common of the Common of Comm by /- 21st Century CURES is the only healthcare item likely to move before the end of the year.

Restores the Medicare Open Enrollment Period

H.R. 588

Medicare Beneficiary Preservation of Choice Act of 2015

- · Sponsored by Rep. Keith Rothfus (R-PA)
- Allows beneficiaries enrolled in a Medicare Advantage (MA) plan could make a one-time switch to another MA plan that better met their healthcare needs between January and March.

Permits Use of Standalone HRAs

H.R. 5447

Small Business Health Care Relief Act of 2016

- Sponsored by Representatives Charles
- Boustany (R-LA) and Mike Thompson (D-CA)
- Would eliminate the federal prohibition on standalone health reimbursement arrangements (HRAs) as a vehicle for employers to use taxadvantaged funding to provide health insurance to their employees and assist with out-of-pocket and related medical costs.
- Passed House in June; awaiting Senate action (S. 3060 by Senators Chuck Grassley (R-IA) and Heidi Heitkamp (D-ND)).

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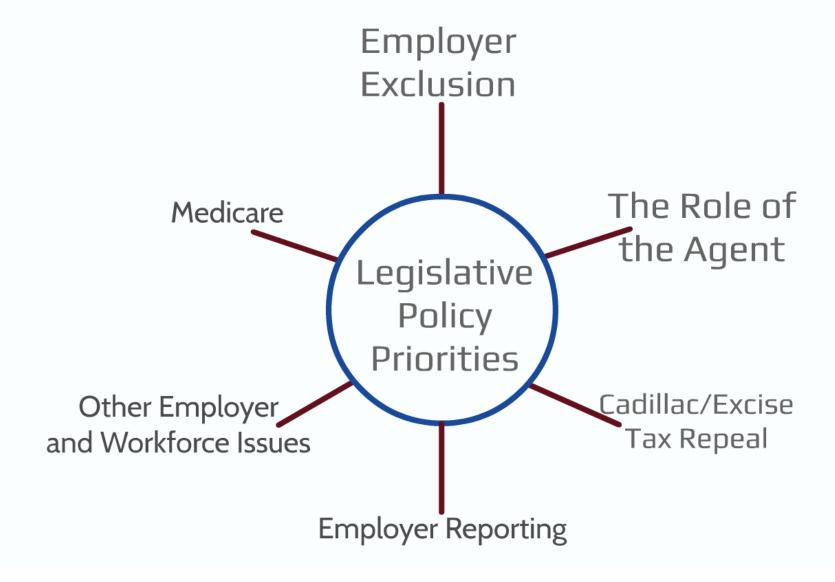
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NAHU will continue to advocate for our legislative priorities and for them to be included in a final end-of-year package



rokers and your clients



The incoming 115th Congress

Priorities:

- · Stabilize the health insurance market
- · Improve health plan affordability and availability
- Optimize conditions under the existing market
- Work with President-elect Trump and congressional leadership to determine the best approach and timing for change in our healthcare system
- Continue to advocate for the need for valued guidance by health insurance agents, brokers, and consultants
 - Continue to advocate for a strong private health insurance market

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Trump Administration Nominees



Secretary of the Department of Health and Human Services



Rep. Tom Price (R-GA)

- Chair of House Budget Committee
- Chair of Republican Study Committee from 2009-10
- Orthopedic Surgeon, first physician to lead HHS since Louis Sullivan (1989-93)
- Empowering Patients First Act
 - Cap the employer exclusion of health insurance at \$20,000 for family, \$8,000 for individual
 - Allow individuals to opt-out of employer coverage and buy individual market insurance with tax credits instead
 - · Individual Market Tax Credits:
 - Based solely on age and no limits on income qualification; \$900 for children under 18; \$1,200 for those between 18 and 35; \$2,100 for those between 36 and 50; \$3,000 for those 51 and older
 - Eliminate pre-ex protections unless continuously covered
 - Reinstate high-risk pools, fund at \$1 billion/year for 3-years
 - Permit sale of insurance across state lines



Administrator of the Centers for Medicare and Medicaid Services



Seema Verma

- Indiana-based healthcare consultant
 - Worked with Gov. Mitch Daniels on HIP 1.0 (2007) and Gov. Mike Pence on HIP 2.0 (ACA Medicaid expansion)
- · Healthy Indiana Plan (HIP) 2.0
 - CDHP-based coverage for individuals with incomes of up to 138% of the federal poverty level
 - HIP members receive a \$2,500 deductible health plan (HDHP) paired with a \$2,500 "POWER" account, similar to a health savings account (HSA)
 - Members are required to make monthly contributions in the amount equal to 2 percent of their income (between \$1-25 a month)
 - First state waiver to have a "lock-out" provision to members who don't contribute to plan
- · Also worked on Medicaid waivers for:
 - lowa
 - Kentucky
 - Michigan
 - Ohio
 - Tennessee

How You Can Get Involved



Operation Shout!

Email/call your federal representatives







Stay Informed:

Read the Washington Update every Friday and the NAHU Newswire every morning

Lobby with us at Capitol Conference February 13-15, 2017



Contribute to HUPAC:

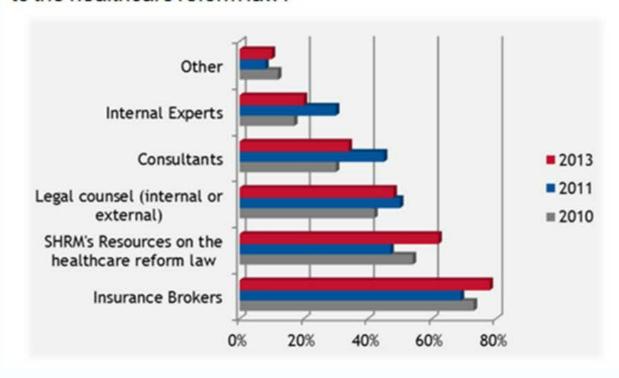
Support legislators who fight for agents and brokers and the employer-based system



Continue to be a Resource for your Clients

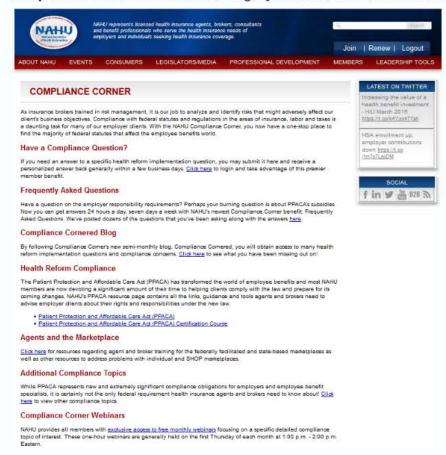
SHRM Survey Results

"What resources is your organization currently using in regard to the healthcare reform law?"



As new changes come to health reform, let us help you be their resource

Compliance Corner: Webcasts, Blog, Questions, Tools, Resources





Presented by

Janet Trautwein

Executive Vice President & CEO jtrautwein@nahu.org





Questions?

Please ask your question in the questions box.

Upcoming Webinars:

Compliance Corner

Year-end planning

Thursday, December 15 at 1:00 PM ET

Compliance Corner

Compliance update

Thursday, January 19 at 1:00 PM ET

Compliance Corner

Human Resource Issues

Thursday, February 23 at 1:00 PM ET

Compliance Corner

Department of Labor Fiduciary Rule

Thursday, March 16 at 1:00 PM ET