



# NRLN Review

**NRLN**  
NATIONAL RETIREE  
LEGISLATIVE NETWORK

## **NRLN Review, Summary for May 2023**

The NRLN Review provides a monthly report on National Retiree Legislative Network actions, events in Congress and important retirement news.

### **NRLN President Bill Kadereit Quoted in Article on Medicare Advantage Scam**

A May 26 article with the headline, ***The \$20 Billion Scam At The Heart Of Medicare Advantage***, reported that as Medicare privatization continues, insurers are milking massive profits from systematic overbilling and kneecapping modest proposals to stop the scheme.

According to the article, Medicare Advantage plans have higher claim denial rates and more prior authorization restrictions than traditional Medicare plans. Last year, regulators found that nearly one in five payment requests rejected by Medicare Advantage plans in 2018 were wrongfully denied, representing an estimated 1.5 million claims.

At the root of Medicare Advantage overpayments is “upcoding” by insurers, a scheme by which the companies systematically overbill the public as if their patients are sicker than they really are.

In total, these practices led to \$20.5 billion total excess payments to Medicare Advantage insurers in 2022, according to a March report from the Medicare Payments Advisory Commission (MedPAC), a federal body tasked with overseeing Medicare. In the coming years, the overpayment problem could get substantially worse. A November 2021 study suggested that Medicare costs from 2023 to 2031 will be \$600 billion higher than if Medicare Advantage beneficiaries were instead enrolled in traditional Medicare.

NRLN President Bill Kadereit’s quotes in the article were:

“The total cost of the rebates could be as high as \$75 billion this year,” according to analysis by Bill Kadereit, president of the National Retiree Legislative Network.

“The extra \$196 is spent on fringe benefits, and only on fringe benefits that go towards Medicare Advantage beneficiaries,” Kadereit said. “The other 30 million people in traditional Medicare get nothing. When Joe Manchin in West Virginia says ‘I like sending money to the Medicare Advantage plans, give them more,’ well, 40 percent of his people in West Virginia are not on Medicare Advantage, so they don't get a nickel.”

Click here to read the entire article.

<https://www.levernews.com/the-20-billion-scam-at-the-heart-of-medicare-advantage/>

**John Deere Retirees Chapter Formed**

An announcement was sent in May to John Deere retirees that although JDRO – A Family of John Deere Retirees has dissolved the NRLN is continuing its long relationship with John Deere retirees by forming the **John Deere Retirees Chapter**. The NRLN is continuing to serve as a voice for John Deere retirees in Washington, DC.

A Chapter webpage has been created at [www.nrln.org](http://www.nrln.org) and can be accessed by clicking on the Chapters tab. NRLN President Bill Kadereit's analysis of John Deere's latest pension plan Annual Funding Notice is posted on the webpage.

### **NRLN President's Forum: NRLN Video on Accessing Medigap Plan Prices**

Bill Kadereit's NRLN President's Forum announced on May 4 a new video. To make a decision between the original Medicare path or the Medicare Advantage (MA) path, it is important to make a choice between MA with out-of-pocket protection and one of the Medicare Supplemental Plans (Medigap) that pay the 20% not covered by original Medicare. KNOWING MEDIGAP PRICES BY PLAN IS CRITICAL!

The NRLN had urged the Centers for Medicare and Medicaid (CMS) to post prices by zip code for Medigap plans. Now that CMS has made Medigap pricing data available by zip code and plan type we want to make it easy to navigate the CMS website. Jacqueline Lawson, NRLN webmaster, has created a step-by-step video on the NRLN homepage at [www.nrln.org](http://www.nrln.org) to guide individuals through the process of accessing the various Medigap plans and the prices available in the zip code area where they live.

### **AT&T's Pension Plan Action Impacting 96,000 Plan Participants**

On May 4, Monte Baggs, President, TelCo Retirees Association, and Bill Kadereit, President, NRLN, shared a message to AT&T and other interested retirees.

Baggs reported on a May 3 phone call that leaders of TelCo and Southern New England Telephone (SNET) Retirees Association, had with AT&T Vice President Global Benefits. During the call it was learned a deal worth approximately \$7.7 billion had just closed to move 96,000 AT&T pension plan participants from the AT&T pension plan to annuities from Athene Life & Annuity Company and Athene Annuity & Life Assurance Company.

The AT&T pension plan participants to be impacted by this transfer to annuities are those whose pension is generally less than \$2,200 per month. The payment will be the same from the annuity as from the pension plan.

The phone call participants learned that the AT&T Pension Trust Fund would be funded at the same level following the transaction, but reinsurance in the event of a default by Athene was not included in the agreement.

Kadereit wrote that the action taken by AT&T is known as pension plan "de-risking", the removal of participants of a pension plan through the purchase of an insurance company annuity. While de-risking causes pension plan participants to lose the protection of the Employee Retirement Income Security Act (ERISA) and the Pension Benefit Guaranty Corporation (PBGC), it is currently allowed under ERISA.

Reinsurance is a key element of the NRLN's proposed solution and draft statute the NRLN is lobbying for with Congressional leaders to protect pension plan participants when "de-risking" happens. The NRLN has teamed with the Pension Rights Center (PRC) in an effort to gain legislation that requires parties for an annuitization to reinsure annuities. This would be a legally binding agreement to follow the assets and therefore would apply to successor firms. This would protect plan participants. It would apply to all defined benefit pension plans under ERISA.

Kadereit also provided details of his analysis of the recently issued AT&T pension plan Annual Funding Notice and compared the data with the analysis he did on the AT&T AFN 10 years ago.

## **NRLN Legislative Committees' Work**

The NRLN's Legislative Advisory Committee (LAC) composed of Judy Stenberg, Chairwoman, Deb Morrissett, Joe Mazzei and Al Duscher submitted the following bills for the Legislative Action Planning Committee (LAPC) to consider for action during its May 1 conference call. The LAPC includes Bill Kadereit, Chairman, Judy Stenberg, Alyson Parker, Martha Deahl and Ed Beltram. The LAPC's actions included:

**H.R. 1637/S.626, Comprehensive Care For Alzheimer's Act**, would help the 95% of individuals with dementia that have one or more other chronic conditions, such as hypertension, heart disease and diabetes. Passage of **H.R.1637/S.626** would improve the lives of those living with Alzheimer's disease by providing comprehensive care management services; establishing high standards of care by evaluating the quality of care provided to patients; eliminating cost-sharing for patients and pay providers a monthly amount based on the complexity and quality of the patient's care; ensuring that caregivers are supported and able to participate in the coordination and management of care, and requiring outreach to underrepresented populations, as well as culturally appropriate care.

**H.R. 1638/S.838, Improving Access to Mental Health Act of 2023**, would increase the Medicare payment reimbursement rate for clinical social workers from 75% to 85% of the physician fee schedule. This would align Medicare payments for clinical social workers with that of other non-physician providers such as nurse practitioners and physician assistants.

**H.R.2407, Nancy Gardner Sewell Medicare Multi-Cancer Early Detection Screening Coverage Act**, would allow Medicare to cover emerging blood-based cancer screenings which hold the potential to catch cancer earlier than ever before. Currently, screening is for only five cancers and just 14% of cancers are found through screening. It is important that seniors have timely access to blood-based cancer screening since age is the primary risk factor for cancer and more than 70% of cancer diagnoses are in the Medicare population.

-- Letters requesting Committee votes on **H.R.1637**, **H.R.1638** and **H.R.2407** were sent on May 1, 2023, to House Committee on Energy and Commerce, Chairwoman Cathy McMorris Rodgers (WA-05), and Ranking Member Frank Pallone (NJ-06).

-- Letters requesting Committee votes on **H.R.1637**, **H.R.1638** and **H.R.2407** were sent on May 2, 2023, to House Committee on Ways and Means, Chairman Jason Smith (MO-06), and Ranking Member Richard Neal (MA-01).

-- Letters requesting Committee votes on **S.626** and **S.838**, were sent on May 2, 2023, to Senate Committee on Finance Chairman Ron Wyden (OR) and Ranking Member Mike Crapo (ID).

The following bills were tabled and will be monitored:

**H.R. 2593/955, Senior Security Act of 2023**, would create a task force within the Securities and Exchange Commission to coordinate state authorities' and regulators' efforts to reduce senior investors' risk of being defrauded. The legislation creates a task force at the Securities and Exchange Commission (SEC) to examine and identify challenges that seniors face while investing. Every two years, the task force will report its findings to Congress and recommend changes to regulations or law. Additionally, within two years of the legislation becoming law, the U.S. Government Accountability Office would study and report the economic costs of the financial abuse of senior citizens.

**HR 1618, Establish a Commission on Sustaining Social Security and Medicare**, would temporarily establish the Commission on Sustaining Medicare and Social Security within the legislative branch to report on specified information relating to the Medicare program and the Social Security retirement and disability programs. The report must address (1) the impact of using alternative price indexes to determine cost-of-living adjustments; (2) the impact of using alternative formulas to calculate certain Medicare premiums; and (3)

recommendations to prevent fraud, increase integrity, increase sustainability, and reduce improper payments in the programs. This commission approach was also proposed in the 117<sup>th</sup> Congress, **H.R. 6895**, and gained no traction. It is unlikely that **HR 1618** will gain traction.

**S.842, Medicare and Medicaid Dental, Vision and Hearing Benefit Act of 2023**, would provide for Medicare coverage of dental, vision, and hearing care. Coverage includes (1) routine dental cleanings and exams, basic and major dental services, emergency dental care, and dentures; (2) routine eye exams, eyeglasses, and contact lenses; and (3) routine hearing exams, hearing aids, and exams for hearing aids. With respect to such care, the bill establishes special payment rules, limitations, and coinsurance requirements. **H.R.33, Medicare Dental, Vision, and Hearing Benefit Act of 2023**, appears to be more favorable to seniors. The LAC and LAPC will await the CBO scoring the cost of the two bills.

The bills have been posted on the NRLN's website Bills webpage at: <https://nrln.org/legislative-action-network/#/bills> which feeds the NRLN Report Card. See whether your Representative and Senators are a cosponsor of bills the NRLN supports by going to <https://nrln.org/legislative-action-network/#/legislators/>. Click on your state on the USA map. When your Congressional delegation appears, click on EXCEL DOWNLOAD.

The letters have been posted in Archives on the NRLN website in Letters to Washington at: <https://nrln.org/letters-to-washington-2/> .

### Key News Articles Posted in May

During May 52 links to news articles related to retirement issues were researched and posted daily IN THE NEWS on the NRLN website home page. The headlines below are links to the articles. Or read the articles at [www.nrln.org](http://www.nrln.org) under IN THE NEWS in the right column. Scroll down the right column and click on the headline to access the article you want to read. Below are some of the headline links.

[\*\*The Hill's biggest health care battle you haven't heard about\*\*](#) – May 1

[\*Some of the billions in farm bill funds could flow to lawmakers writing the bill\*](#) – May 2

[\*\*Experimental Alzheimer's Drug Slows Decline in Thinking in Late-Stage Trial\*\*](#) – May 3

[\*Do All Heart Attack Survivors Need Long-Term Beta Blocker Meds?\*](#) – May 4

[\*\*FDA recalls more than 500K COVID tests over bacteria risk\*\*](#) – May 5

[\*Everyday Internet Use by Older Adults Might Help Keep Dementia at Bay\*](#) – May 8

[\*\*New Hope Against Painful Skin Issues Caused by Cancer Radiation Therapy\*\*](#) – May 8

[\*Khanna, Sanders to call for action aimed at easing burden of medical debt\*](#) – May 8

[\*\*Insulin companies, PBMs pass the blame as they face bipartisan ire on pricing\*\*](#) – May 10

[\*Covid transformed the U.S. labor market, and it isn't done yet\*](#) – May 11

[\*\*Senate panel advances drug pricing bills, including PBM reforms\*\*](#) – May 11

[\*Medicare, FDA urged to press ahead with new Alzheimer's drug Leqembi\*](#) – May 12

[\*\*Why Lyme disease symptoms go away quickly for some and last years for others\*\*](#) – May 14

[\*WHO advises against artificial sweeteners for weight control and disease\*](#) May 15

[\*\*Chronic pain is more common than diabetes or depression. Better treatments are emerging.\*\*](#) - May 16

[\*Sen. Bernie Sanders renews push for Medicare for All to end 'totally broken' health-care system\*](#) - May 17

[\*\*Opinion: Why we must care for our caregivers and address the nursing home staffing crisis\*\*](#) - May 18

[\*What Is the Difference Between a Skilled Nursing Facility and a Nursing Home?\*](#) – May 18

[\*\*Couples 55 and older will be able to contribute more than \\$10,000 to health savings accounts\*\*](#) – May 18

[\*Drug price caps in Inflation Reduction Act exacerbating shortages, Gottlieb says\*](#) – May 21

[\*\*A more aggressive FTC is starting to target drug mergers and industry middlemen\*\*](#) – May 22

[\*Multivitamins may help slow loss of memory as people get older\*](#) – May 24

[\*\*FDA grants full approval to Pfizer's Paxlovid\*\*](#) – May 25

[\*Switching to Plant-Based Diet Helps Your Heart, Major Study Finds\*](#) – May 26

[\*\*Are ERs Safe? Patients, Nurses and Doctors Say No in New Survey\*\*](#) – May 26

[\*The \\$20 Billion Scam At The Heart Of Medicare Advantage\*](#) – May 26

[\*\*Accelerated cognitive decline seen after heart attacks: study\*\*](#) – May 30

[\*House passes bill to raise debt ceiling\*](#) – May 31