



NRLN Review, Summary for December 2023

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

NRLN 2024 Legislative Agenda Posted on Website

During December input was received for the NRLN 2024 Legislative Agenda from Grassroots State and Congressional District Representatives; Association and Chapter leaders; Legislative Action Priorities Committee, and NRLN Board members. [Click here to access the updated Legislative Agenda.](#)

The Legislative Agenda has a set of legislative proposals developed to address concerns of retirees who retired from more than 400 U.S. companies and public entities. The full agenda focuses on retirees and on Income Security (including Social Security) and Healthcare Security (including Medicare). The agenda is revised annually and as new issues arise.

Six NRLN Board Members Re-elected to Two-Year Terms

During the NRLN's Board of Directors Zoom conference call on December 14, six board members were re-elected to two-year terms on the Board. They are:

Jane Banfield, Vice President, TelCo Retirees Association,

Martha Deahl, NRLN Vice President Grassroots and NRLN Vice President, Desert Southwest Region (AZ, NM, NV).

Mary Foley, President, AASBCR® (AT&T/Ameritech/SBC Retirees)

Bill Kadereit, President, National Retiree Legislative Network

Dana Oliver, General Counsel, National Chrysler Retirement Organization

Janet Seefried, President, An Alliance of DTE Energy Retirees (DEAR), an NRLN Secretary-Treasurer

Biographical information on each NRLN Board member can be access by clicking on their photo at:

<https://nrln.org/officers-board-of-directors/>

NRLN Action Alert Supports Limit to 'Step Therapy'

Too often healthcare insurance plans require a doctor to apply "step therapy" (also known as "fail first"). This is when patients are required to try and fail on a lower cost drug before they are allowed to access the drug

originally prescribed by their doctor. This method has the potential to harm patients.

An NRLN Action Alert issued on December 6 urged passage of **H.R.2630/S.652, Safe Step Act**, to place reasonable limits on the use of “step therapy,” and works to improve access to safer and more transparent treatments for patients.

Use the NRLN Action Alert at <https://nrln.org/action-alert/#/home/> to tell your members of Congress to place limits on the use of “step therapy” to better serve patients.

NRLN’s Proposed Change to Social Security Overpayment Recovery

The [Inspector General’s report](#) in November 2023 on the Social Security Administration (SSA) stated: “According to SSA, in FY [Fiscal Year] 2023, it recovered over \$4.9 billion in overpayments...Still, at the end of the FY, SSA had a \$23 billion uncollected overpayment balance.” The news media has reported based on documents obtained through the Freedom of Information Act that SSA has demanded money back from more than 2 million people a year.

SSA is required by law to recover overpayments and can go back any number of years to find errors and demand payment back for thousands of dollars within 30 days.

NRLN President Bill Kadereit sent letters on December 4 to Representative Drew Ferguson, Chairman, Subcommittee on Social Security and Senator Sherrod Brown, Chairman, Subcommittee on Social Security, Pensions and Family Policy, with an NRLN proposal to limit the harm to beneficiaries who were overpaid by an SSA error that was not their fault.

The NRLN proposed that the existing SSA overpayments be waived and the current Social Security Code of Federal Regulations be replaced with statutory language similar to the NRLN’s proposal on pension recoupment that was enacted in the SECURE 2.0 Act of 2022.

Prior to this new law, a company could “recoup” or recover pension overpayments made to a retiree when it discovered them, no matter how long it had been. With the new law, the Company doesn’t have a fiduciary obligation to recoup; but if it does recoup it must be done within three years of initial overpayment and may not recoup more than 10% of overpayment per year. The same rules should apply to Social Security overpayment recovery. In addition, there should be no recovery action by SSA if it will cause the Social Security beneficiary to be at or below the Federal Poverty Level.

The two letters are available to read at: <https://nrln.org/letters-to-washington-2/>. The NRLN’s proposal is a new addition to the NRLN 2024 Legislative Agenda.

NRLN Legislative Committees’ Work

The NRLN’s Legislative Advisory Committee (LAC) composed of Judy Stenberg, Chairwoman, Deb Morrisett, Joe Mazzei and Al Duscher submitted the following bills for the Legislative Action Priorities Committee (LAPC) to consider for action during its December 4 conference call. The LAPC includes Bill Kadereit, Chairman, Judy Stenberg, Alyson Parker, Martha Deahl and Ed Beltram. The LAPC’s actions included:

H.R.2630/S.652, Safe Step Act. Too often healthcare insurance plans require a doctor to apply “step therapy” (also known as “fail first”). This is when patients are required to try and fail on a lower cost drug before they are allowed to access the drug originally prescribed by their doctor. Passage of **H.R.2630/S.652, Safe Step Act**, places reasonable limits on the use of “step therapy,” and works to improve access to safer and more transparent treatments for patients.

-- An NRLN Action Alert was issued December 6, 2023, requesting that NRLN Members send a letter to their U.S. Representative and Senator to request passage of **H.R.2630/S.652, Safe Step Act**.

H.R.5159/S.2137, Preserving Access to Home Health Act of 2023. Passage of this bill would help preserve access to home health services for seniors and Americans with disabilities by preventing proposed cuts to home health payment rates from taking effect. In June 2023, Medicare announced plans to implement cuts totaling -9.36% to its home healthcare program starting in 2024, on top of the 3.9% cut that began in 2023. The Preserving Access to Home Health Act would address the deep cuts made to home health that began this year and will continue until at least 2028.

-- The NRLN will issue an Action Alert on **H.R.5159/S.2137** in January 2024.

H.R.735/S.2277, Susan Muffley Act of 2023. The federal government picked winners and losers in the General Motors and Delphi auto industry bankruptcies of 2009. The Delphi salaried retirees were singled out to have their pension plan terminated and taken over by the Pension Benefit Guaranty Corporation (PBGC). Actions taken by the Federal Government's Auto Team, which intervened in the bankruptcies, assured certain union-represented GM and Delphi workers and retirees received their full earned pensions. This resulted in 20,000 Delphi salaried retirees losing up to 70% of earned and promised pensions. The Susan Muffley Act would require the PBGC to restore the payment level of the terminated pensions and provide lump sums for the payments the retirees did not receive during the past 14 years.

-- The NRLN issued Action Alerts during the 117th Congress to support the Susan Muffley. Should the Delphi Salaried Retirees Association again request the NRLN to issue an Action Alert to urge passage of the bills it will do so.

H.R.3875, Expanded Telehealth Access Act, would permanently allow audiologists, physical therapists, occupational therapists, speech-language pathologists, and other providers designated by the Centers for Medicare and Medicaid Services (CMS) to provide telehealth services under Medicare. Currently, the CMS is authorized to waive requirements for Medicare telehealth services during the public health emergency relating to COVID-19, and it has done so to allow all providers that are otherwise eligible to furnish in-person services under Medicare to also furnish telehealth services. The Expanded Telehealth Access Act will enable seniors to continue receiving quality, accessible care, and delivery.

H.R.4261, Amputation Reduction and Compassion (ARC) Act of 2023, would require Medicare and Medicaid to fully cover screening tests for beneficiaries who are at-risk of Peripheral Artery Disease (PAD). PAD occurs when blood flow is reduced to the arms and legs because arteries become narrowed or blocked with fatty deposits. It is a similar condition to the one that causes heart attacks, which is why PAD sufferers have a higher risk of heart attacks and strokes. Today, 21 million Americans have or are at risk for PAD and an estimated 200,000 of them will need an amputation. But these amputations could be prevented if PAD is screened and diagnosed early.

-- On December 5, 2023, NRLN President Bill Kadereit sent letters to Committee on Energy and Commerce Subcommittee on Health Chairman Brett Guthrie (KY-02) Ranking Member Anna Eshoo (CA-16); Ways and Means Subcommittee on Health Chairman Vern Buchanan (FL-16) and Ranking Member Lloyd Doggett (TX-37). The letters requested that the Subcommittees have votes on **H.R.3875 and H.R.4261**. Alyson Parker, NRLN Executive Director will check with the sponsors of the bills – Rep. Mikie Sherrill (NJ-11) for **H.R.3875** and Rep. Donald Payne (NJ-10) for **H.R.4261** to learn if the sponsors have contacted Senators about introducing companion bills.

H.R.5340, Providing Complete Information to Retirement Investors Act would protect pensioners' hard-earned savings. This bill would require a four-part pop-up warning to be displayed to ERISA participants before investing in a brokerage window. (A brokerage window provides participants with the ability to choose from additional investments such as individual corporate stocks, bonds, mutual funds, exchange traded funds, and option trading.)

-- On September 26, 2023, the Committee on Education and the Workforce passed **H.R.5340**. On December 5, 2023, NRLN President Bill Kadereit sent a letter to House Speaker Mike Johnson requesting that he call up **H.R.5340** for a House floor vote.

H.R.4895, Lowering Drug Costs for American Families Act. On average, Americans pay more than three times as much as people in other developed countries for brand name prescription drugs—sometimes as much as 600 percent. **H.R.4895** would reduce the burden on patients and taxpayers and lowers drug costs for individuals who are covered by private health plans. The legislation:

- Extends the historic drug price negotiation program to all individuals with private coverage. This includes over 164 million workers and their families who get health coverage through their jobs and more than 16 million individuals with Marketplace coverage.
- Stops drug companies from raising prices faster than inflation by ensuring that the inflation rebates enacted under the Inflation Reduction Act also apply to individuals covered by private health plans.
- Strengthens the drug price negotiation program to deliver more savings to Americans by increasing the annual number of prescription drugs selected for negotiation from 20 to 50.

H.R.5526, Seniors' Access to Critical Medications Act of 2023 would make permanent a waiver issued by the Centers for Medicare and Medicaid Services (CMS) that allowed for Medicare patients to receive critical medications by mail or allow for caregivers and family members to obtain medications for them. During the COVID-19 public health emergency (PHE), CMS allowed independent physicians to mail medications directly to their patients or have them delivered by a family member or caregiver, if a Medicare patient was unable to be present in the office. CMS has ruled that the end of the COVID-19 PHE marks the end of such policies. Consequently, many patients in need of critical medicines lack the means to receive their prescriptions in a timely manner from their healthcare provider. This legislation would allow for patients to have medications delivered to them via the mail, or by those overseeing their care.

H.R.5958, Drug Price Transparency for Customers (DTC) Act of 2023 would require price disclosures on advertisements for prescription drugs, in order to empower patients and reduce spending on medications. The Government Accountability Office recently released a report on the impact of direct-to-consumer advertising which found that prescription drugs advertised directly to consumers account for 58 percent of Medicare's spending on drugs. Studies show that patients are more likely to ask their doctor, and ultimately receive a prescription, for a specific drug when they have seen ads for it. For these reasons, most countries have banned DTC prescription drug advertising—the United States and New Zealand are the only developed nations to permit this practice.

-- On December 5, 2023, NRLN President Bill Kadereit sent letters to Energy and Commerce Chairwoman Cathy McMorris Rodgers (WA-05) and Ranking Member Michael Burgess (TX-26); Committees on Ways and Means Chairman Jason Smith (MO-08) and Ranking Member Richard Neal (MA-08). The letters requested that the Committees have votes on **H.R.4895**, **H.R.5526** and **H.R.5958**.

S.1250, Drug Price Transparency for Customers (DTC) Act of 2023, would require price disclosures on advertisements for prescription drugs, in order to empower patients and reduce spending on medications. The Government Accountability Office recently released a report on the impact of direct-to-consumer advertising which found that prescription drugs advertised directly to consumers account for 58 percent of Medicare's spending on drugs. Studies show that patients are more likely to ask their doctor, and ultimately receive a prescription, for a specific drug when they have seen ads for it. For these reasons, most countries have banned DTC prescription drug advertising—the United States and New Zealand are the only developed nations to permit this practice.

S.1491, Pharmacy and Medically Underserved Areas Enhancement Act, would encourage pharmacists to offer health care services such as health and wellness screenings, immunizations and diabetes management by authorizing Medicare payments for those services where pharmacists are already licensed under state law to provide them. There is currently no way for pharmacists to receive Medicare reimbursement for providing them. Licensed pharmacists should be compensated by Medicare to perform basic medical services so seniors can be saved taxing trips to far-flung doctors' offices.

-- On December 5, 2023, NRLN President Bill Kadereit sent letters to Committee on Finance Chairman Ron Wyden (OR) and Ranking Member Mike Crapo (ID). The letters requested that the Committees have votes on **S.1250** and **S.1491**.

Key News Articles Posted in December

During December, 68 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 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.

[Will Medicare really run out of money in 2031? Here's what experts say about its long-term stability](#) – December 30

[Medicare to start negotiating prices for 10 drugs in 2024](#) – December 29

[Opinion: Congress Has Not Looted Social Security](#) – December 29

[UnitedHealth's secret rules denied rehab coverage for Medicare patients: Stat News](#) – December 28

[Why Long-Term Care Insurance Falls Short for So Many](#) – December 28

[Biden administration's Medicare drug price negotiations will face major tests in 2024](#) – December 28

[Private equity ownership of hospitals made care riskier for patients, a new study finds](#) – December 27

[Medicare Companies 'Stealing' \\$140 Billion From Patients, Democrat Says](#) – December 27

[3 Social Security Changes Arriving in 2024 I](#) – December 26

[Social Security Recipients Plea for 'Broken' System to be Reformed](#) – December 22

[CMS proposes additional Medicare appeals processes](#) – December 21

[Lawmakers fear January mess as Congress fails to address mounting crises](#) – December 20

[Republican Warns Social Security Might Collapse](#) – December 20

[This Horrible Congress Is Even Worse Than You Thought](#) – December 19

['I am just waiting to die': Social Security clawbacks drive some into homelessness](#) – December 19

[This is the scariest number for Social Security](#) – December 19

[Social Security Chief apologizes to Congress for misleading testimony on overpayments](#) – December 18

[O'Malley confirmed as Social Security commissioner](#) – December 18

[Social Security On Monthly 'Watch' Till Overpayment Issue Is Fixed](#) – December 18

[KFF HEALTH NEWS: 'Financial ruin is baked into the system': Readers on the costs of long-term care](#) – December 16

[Social Security Administration treats seniors like criminals, lawmakers say, demanding answers on clawbacks](#) – December 15

[White House initiative to lower prescription drug prices](#) – December 15

[Biden administration says Medicare owed rebates for drug prices that outpaced inflation](#) – December 14

[Biden administration announces medications for Medicare rebate program](#) – December 14

[Guest Commentary: Social Security can't grow its way out of trouble](#) – December 14

[Class-action suit accuses another Medicare insurer of using AI to deny care](#) – December 13

[Big Pharma: Why the drug industry faces a 3-front battle with the FTC, Medicare, and the White House](#) – December 13

[Lawmakers Urge CMS to Improve Data Collection in Medicare Advantage](#) – December 13

[Listen: The Results of Our Two-Year Study on Medical Debt](#) – December 13

[Democrats in Congress call on FTC to block Albertsons-Kroger merger](#) – December 12

[Opinion: How Might We Reform Social Security, Part I](#) – December 12

[Social Security: Will Program's Overpayment Issue Get Worse Before It Gets Better? Protect Yourself Now](#) – December 12

[Opinion: Fix needed now: America's long-term care financing system is broken](#) – December 11

[These programs put unused prescription drugs in the hands of patients in need](#) – December 9

[Patient advocacy groups slam UnitedHealthcare over 'misleading' Medicare Advantage marketing](#) – December 8

[Opinion: A fiscal commission will harm, not help, Social Security and Medicare](#) – December 8

[New proposal to lower prescription drug costs](#) – December 8

[Opinion: Emerging bipartisan path to lowering prescription drug costs reveals common ground for agreements on spending](#) – December 8

[KFF Health News: What to know about home care services](#) – December 8

Social Security clawbacks hit much more people than agency said – December 7

How AI Is Spawning Social Security Scams: What You Need To Know Now – December 7

Medicare is Overpaying for Generic Drugs, UC San Diego Research Finds – December 5

Al Sharpton, Al B. Sure! team up with Newt Gingrich to pressure Biden admin to overturn Medicare cutbacks – December 4

Medicare Advantage Plans Disadvantage Many Elderly and Disabled People – December 4

Does Medicare Cover Cataract Surgery in 2024? – December 4

CVS Plans to Overhaul How Much Drugs Cost – December 4

This Social Security solution could solve 19% of the funding problem — and that's a good start – December 2

Will IBM Resurrection of Cash Balance Plan Cause a Ripple Effect? – December 1