

This Issue

COVID-19 Vaccines

Is it legal to require employee vaccinations?

Help for Surprise Billing

Stimulus legislation may include help for patients.

Price Transparency

DOL issues final regulations for hospital price disclosure.

Medicine Adherence

Everyone benefits when prescriptions are taken as directed.

Trends, News, Updates and More Inside!

Member Education: A Year-Round Job



As a health plan sponsor or HR professional, you've no doubt witnessed the introduction of new tools or applications intended to help plan members become better healthcare consumers. Unfortunately, these efforts often fall a little short of expectations. After decades in self-funded health plan administration, we can say that while these programs were well designed, the education associated with them was not.

Today, a health plan cannot achieve company objectives unless members buy into the utilization strategies. What can a plan do to engage members in ways that will make a difference? Education and incentives can be a winning formula – here are a few ideas.

- From coping with Covid-19 to open enrollment, employers were forced to communicate differently in 2020. Company-wide gatherings and annual health fairs were replaced by more frequent zoom conferences and digital events. As a result, employers trimmed content and focused on critical topics. While personal meetings will likely return as the fear of gathering subsides, the lessons learned in the past 10 months will improve employee education in the future.
- Regardless of how your plan chooses to incentivize members, rewards must be tied to member engagement. One option is to share plan savings with members who lower claim costs by choosing high quality, low-cost providers. This often requires that the plan negotiate in advance with hospitals or centers of excellence that are efficient for certain procedures. Giving a member a percentage of the savings realized by the plan can go a long way to boost overall engagement.
- Some plans reward members who consult with HR before selecting a healthcare provider for an elective procedure. This helps members use their benefits to their best advantage and controls overall plan costs.

Regardless of how you proceed, it's important to realize that education requires time to plan and resources to execute. Whether you choose virtual lunch and learns, monthly podcasts by HR or something different altogether, it takes repetition to make a positive difference.



Agreement on Surprise Billing Part of Stimulus Bill

The latest word on the bi-partisan Covid-19 legislation signed by President Trump is that it included an agreement to prevent patients from receiving surprise medical bills. Under the agreement, patients would only be responsible for paying the portion not covered by their health insurance at in-network rates, both in emergency and non-emergency situations where they don't have the ability to choose an in-network physician.

The agreement is intended to make healthcare pricing more transparent by requiring health insurers to have up-to-date lists of in-network providers. For scheduled procedures, providers would have to notify patients 72 hours in advance if they were going to receive out-of-network services and patients would have to agree. In addition, providers and insurance companies would need to resolve billing disputes, possibly by entering into arbitration, without involving the patient.

Can an Employer Require COVID-19 Vaccinations?

As vaccines by Pfizer BioNTech and Moderna arrive at hospitals across America, many employers are hoping it will provide a path back to some semblance of normal. Reopening businesses and returning to offices could be made much safer if employees can get vaccinated. While many legal experts believe a vaccine should not be mandated, they do believe that in most cases, employers do have the right to require it.

While the Federal government has not yet issued specific guidelines, it is assumed that the logic the EEOC used to allow employers to require COVID-19 testing will likely be applied to vaccinations. In addition, employers were allowed to require vaccinations during the smallpox and H1N1 swine flu pandemics.

A Few Exceptions

There are a few exceptions that may require accommodations by employers. These include workers with a medical disability or a sincere religious belief that prevents them from being vaccinated. While employers can likely accommodate these exceptions with flexible scheduling or remote work, others are looking for help in dealing with workers who fear for their safety and object to being vaccinated. Rather than mandating vaccinations, the hope is that over time, these employees will gain enough confidence to overcome their fear and get the vaccine.

New Rules for Drug Pricing



Two final rules related to the President's promise to lower the cost of prescription drugs were recently announced by President Donald Trump. The first, known as the "most favored nation" rule, would lower the price of 50 Medicare

Part B drugs to those paid by other wealthy countries. This pricing would apply only to Medicare beneficiaries.

The second rule, intended to simplify drug pricing and pass available discounts to consumers, would eliminate the rebates drug manufacturers currently pay to Pharmacy Benefit Managers (PBMs) on higher priced brand name prescription drugs. Interestingly, in another recent action, drug manufacturers filed a lawsuit to stop the Trump administration from allowing states to import certain prescription drugs. Their suits argue that the last-minute steps by the President would expose the public to safety risks while not achieving any significant economic advantages for the public.

Trends Latest Happenings in Today's World

FDA Approves At-Home Test

In mid-December, the FDA issued emergency approval for the first fully at-home COVID-19 test. The rapid Ellume test will not require a prescription and the FDA expects individuals to be able to swab their nose and obtain results in as little as 20 minutes. Ellume expects to produce more than 3 million of these tests in January, 2021.

Lowering Stress Takes Creativity

You don't have to dig very deep to discover higher stress levels due to the pandemic. To combat the problem, many companies are taking creative steps to help employees relax. While some are providing a free day each quarter, others are doing it monthly. From "you days" to "disconnect and recharge" days, these

are must-take days where everyone is free to enjoy a break without feeling guilty or worrying about what they may be missing.



Medical Price Transparency and Health Plans

Final regulations designed to increase medical price transparency were issued by the Departments of Labor, Health and Human Services and the Treasury. These regulations, which apply to self-insured and fully insured group health plans as well individual market plans, require the disclosure of specific cost-sharing information for plan and policy holders, the plans' and policies' negotiated in-network rates and historical payments to out-of-network providers.

In order to help consumers obtain pricing information at no cost, negotiated in-network and payments to out-of-network providers must be posted on public websites. Cost sharing information to participants must also be made available through use of an online self-service tool or on paper by request.

Timing varies on the types of information involved. For example, the disclosure of negotiated in-network rates and payments to out-of-network providers on a public website is required beginning January 1, 2022, with updates required monthly. Cost sharing information availability does not begin until 2023 for 500 "shoppable" medical products and services and 2024 for all remaining products and services used by plan members.

Covid-19 May Fuel Employment Lawsuits

Regardless of size, industry or location, every employer spent much of the past year working to balance their responsibility to provide for the safety of their employees with efforts to keep their business alive. When you stop and realize the many issues involved with a rapid transition to remote work, managing possible layoffs and complying with new regulations, legal experts believe legal actions are unavoidable. Biggest concerns noted involve layoffs forced by plant closings and wage and hour claims fueled by the sudden transition from in-office to remote work arrangements.

Bundled Payments for Health Plans

The State of Connecticut is beginning the New Year by encouraging its 220,000 health plan members to select providers with a history of below average costs and above average quality. The program, which will provide bundled pricing for certain procedures such as knee replacements, pregnancy care and cataract surgery, is projected

to save the state over \$180 million in 2021.

Working Remote = Working More

According to a video conferencing company, employees working remotely have been logging about one extra day a week as the lines between work and home continue to blur. While some have saved commuting time, others

are simply extending their workday.

Despite some challenges, many people are enjoying greater flexibility and feeling just as productive when working remotely.

Technology and Diabetes Care

As COVID-19 has made medical office visits challenging, CDC has recommended digital diabetes care support-

ed by connected continuous glucose monitoring (CGM) systems. According to CDC, when remote monitoring is combined with proper medication adherence and personalized coaching, employees with diabetes are able to receive the constant, long-term oversight needed to maintain a higher quality lifestyle.

The Value of Medication Adherence

Encouraging members and their dependents to take their prescriptions as directed by their doctor or pharmacist has long been a concern for health plans. As the Covid-19 pandemic continues to spike in most parts of the country, the problem has intensified, with experts estimating that the increased cost to our healthcare system may be nearly \$300 billion annually.

Traditional challenges of rising costs and a failure to read and understand health information have been exacerbated by the fear of in-person doctor visits. Overcoming these issues requires increased communication and support because there is no doubt that when people fail to take their medications as prescribed, health plans often end up dealing with higher claim costs down the road.

A Higher Level of Support

Providing a high level of support can help many members avoid serious medical complications in the future. Collaborating with a PBM or member advocate to send a text message when a refill is due can be a big help. Some plans offer a lower copay as an incentive to fill prescriptions on time.

Taking the time to understand a member's needs and concerns can go a long way in increasing medication adherence. While concerns about using generic alternatives, copay assistance programs and transportation are common, addressing language barriers, disabilities and other social factors are measures that can make a big difference. Providing a higher level of support will not only produce higher quality outcomes, but lower pharmacy benefit costs as well.



Did You Know? New Ideas for Healthy Consumers

The E-Cigarette Epidemic

In 2016, ads for e-cigarettes reached almost 80 percent of middle and high school age students in our country. While advertising is not the only force influencing kids, a 2019 Youth Risk Behavior Survey of 4.9 million high school students showed that 6 percent reported smoking cigarettes and 33 percent used e-cigarettes in the past 30 days.

While regulatory agencies have been slow to react, pediatricians point out that nicotine forms

addictive patterns in the brain that can last well into adulthood. The aerosols that get into the lungs from vaping lack thousands of carcinogenic substances contained in tobacco cigarettes, but they still contain formaldehyde and other harmful chemicals. And because adolescent brains are still developing, physicians believe that e-cigarettes can serve as a gateway to vaping of marijuana, which can impair memory, learning and decision making over time.

Making Your Hotel Stay Safer

Business and pleasure travel came to a serious halt in 2020, but industry representatives say bookings for later in 2021 are soaring. If you're considering a hotel stay, a few questions suggested by the Infectious Diseases Society of America may be worth asking. For example...

- **Ask about current occupancy levels and limits the hotel or resort may have imposed.**
- **What Covid-specific policies has the hotel or resort put in place?**
- **Are face masks and social distancing measures required and enforced?**

■ **Are there limits on the number of guests allowed in the lobby and other public spaces?**

■ **How often are employees tested for the virus?**

Finally, you may want to ask if the hotel's HVAC system has hospital-quality filters and how long the hotel keeps a room empty between guest stays. Doing so for at least 24 hours is recommended as a way to clear the air of any aerosol transmissions. Other small measures to look for include sealed water glasses and strapped toilet seats in your room as well as self-parking, automated check-in and check-out, no-touch elevators and easily accessible staircases.

New Ways to Benefit Mental Health

Data compiled by the Centers for Disease Control and Prevention announced that in November of 2020, 42 percent of Americans reported symptoms of an anxiety or depressive disorder. While many employers plan to introduce programs supporting mental health, only about a third of employees surveyed in the PwC Workplace Pulse Survey said their employer was doing so.

Many of us have read about actions some larger employers are taking to help employees struggling with psychological effects of Covid-19. Indications are that many small and mid-size organizations are taking positive steps as well. LinkedIn, a social media platform used by millions of businesses and individuals, is offering online courses to help employees address high levels of stress and fatigue. Meditation and how to deal with grief and loss are just two topics covered. A few regional banks are expanding telemedicine options to address some of the isolation experienced by those working at home.

The National Council for Behavioral Health's Mental Health First Aid program offers a great deal of information and resources to help employers and individuals cope. To learn more, visit <https://www.thenationalcouncil.org/covid19/>.

Please Contact Us: This newsletter is not intended as a substitute for personal medical or employee benefits advice. Please consult your physician before making decisions that may impact your personal health. Talk to your benefits administrator before implementing strategies that may impact your organization's employee benefit objectives.



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