

RISE Delaware Update for 2-20-23

Governor Carney tries to slip Medicare Advantage past General Assembly again!

Dear RISE Delaware:

I'm sure that we all remember the "Great Budget Betrayal of 2022." That's when Governor Carney and his ilk slid the Medicare Advantage plan into the budget without a mention of it to the Legislature during numerous public meetings. You would think that having a stay put on the MA plan would send a message that it is a bad idea to engage in such duplicitous behavior (again). Alas, as you can read below, that lesson was lost on them. Thanks to Senator Karen Peterson, we know that bad things are in the works because contained in the upcoming fiscal year's budget epilogue language is, you guessed it, an opening to create another Medicare Advantage program. Read on in the press release below...

What can you do? Well, several things. First light up whatever digital switchboard there is in the Governor's office and complain. Tell Governor Carney to order his minions to remove the reference to Medicare Advantage in the budget epilogue language. You know they put it in there. You can send email messages to Governor Carney here:

<https://governor.delaware.gov/email-governor-carney/>

You should also call, send messages and demand a meeting with your State Representative and Senator. You could write something as simple as, "I want the Medicare Supplemental Plan that I was promised and not Medicare Advantage as a State of Delaware retiree (or participant in the State of Delaware Healthcare Plan if you are not a state retiree). Don't let Governor Carney and his appointees make a fool of you again. Remove the budget epilogue language that allows for a Medicare Advantage plan."

You can find your legislators and their email messages here:

<https://retirees.inthefirststate.com/>

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**RISE Delaware Press Release
FOR IMMEDIATE RELEASE
CONTACT: Karen Peterson
February 20, 2023**

State retirees "sound the alarm" about budget provision

RISE Delaware and retired State Senator Karen Peterson are "sounding the alarm" about a provision in the governor's FY24 budget bill the Carney administration will likely use as a springboard to replace retirees' Medicare Supplement plan with Medicare Advantage.

Peterson describes the provision as another "sneak attack," similar to what the Carney administration did last year when it similarly buried Medicare Advantage language deep within the budget epilogue. That Medicare Advantage plan was temporarily blocked by a lawsuit filed by RISE Delaware, Karen Peterson, and Thomas Penoza.

"Legislators were duped by the Carney administration last year and they're about to be duped again if they allow Section 101 of the budget epilogue to pass," said retired New Castle County Councilwoman Lisa Diller of RISE Delaware. "The State will no doubt argue that this language, if adopted, authorizes them to proceed with implementing Medicare Advantage," Peterson added.

The obscurely worded epilogue language states: "*Section 101. Notwithstanding any provisions of law to the contrary, the Department of Human Resources will continue its efforts towards implementing 29 Del.C. § 5202 (d)(4) and (d)(5) and will work within the terms of the 2021 Medical Third-Party Administrator RFP and executed contracts.*"

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The cited sections of law are the two sections the administration changed from “Medicare Supplement” to “Medicare Advantage” in last year’s budget epilogue. The “2021 Medical Third-Party Administrator RFP” is the State’s request for bids that led to the Medicare Advantage plan selected by the State Employee Benefits Committee (SEBC) on February 28, 2022. And the “executed contracts” no doubt is meant to include the Medicare Advantage contract the State signed with Highmark on September 28, 2022.

If past is prologue, the Carney administration will claim the legislature has given its blessing to the State to:

- not comply with the Superior Court’s ruling of October 19, 2022;
- bypass the Administrative Procedures Act and the Freedom of Information Act (that supported the retirees’ successful lawsuit); and
- use a two-year old bid from a two-year old Request for Proposals without a new bid process, thereby bypassing the requirement in law that “free forces of market competition” must be permitted “to operate to the benefit of the state employee benefits coverage programs.”

Further, its passage would:

- undermine the work of the “Retiree Healthcare Benefits Advisory Subcommittee” recently created by the legislature; and
- usurp the authority of the SEBC to reject Medicare Advantage this time around, given the increasing evidence of the failures of Medicare Advantage.

“If the legislature allows Section 101 of the epilogue to be passed, the Carney administration will once again shift blame to legislators for approving Medicare Advantage. This time, the legislature will deserve the wrath of 30,000 State retirees,” said Peterson

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