

Litigation perspective on Rep. Baumbach's HB281 legislation from Mary Graham, RISE Legal Liaison

Good morning—Please read below the message from Mary Graham, RISE Delaware Legal Liaison

Thanks,
Lisa Diller
President, RISE Delaware

All,
Have you seen the film “Don't Look Up”? We need to “look up,” not “look down,” and think of how BEST to stop Medicare Advantage from possibly being imposed on us.

There has been some confusion about the official position of RISE Delaware on the pending legislation (HB281 and HB282) that will be voted on in the House today. Karen Peterson (Legislative Liaison for RISE) has explained the bills and the positions of RISE in earlier emails.

I want to add to Karen's comments for all of you who have supported our efforts in the litigation. Even with Rep. Baumbach's amendment #1, HB281 is a **huge WIN** for our legal position and avoiding future litigation. If HB281, even with that amendment, had been in place in 2022, the Administration could not have tried as it did (and almost got away with) offloading us into Medicare Advantage and we would not have had to dedicate the last 18 months of our lives to a fierce litigation and legislative fight to protect our Medicare Supplement benefit.

And remember too that, with Amendment #1, even those hired after January 1, 2025 MUST be offered a Medicare Supplement plan in their retirement. In short, Medicare Advantage can only be an OPTION for new hires - they can't be forced into it. So as far as I am concerned and from a litigation perspective, amended HB281 is a no-brainer. I WOULD REALLY LOVE TO NEVER SEE LITIGATION IN DELAWARE OVER MEDICARE ADVANTAGE AGAIN! Amended HB281 will best accomplish that.

As someone suggested to me, ask yourself:

Is Rep. Baumbach's amendment (to allow for new hires Medicare Advantage in 21 years), which he needed to get HB281 to the house floor for a vote, enough of a difference that you are willing to forego your opportunity to solidify your Medicare Supplement plan over this amendment?

I think it would be crazy to forego solidifying a Medicare Supplement plan for all current retirees and current employees, which is what amended HB281 accomplishes. In 21 years if someone (who gets hired after January 1, 2025) wants to litigate their being given the OPTION of a Medicare Advantage plan, I will be happy to watch from the sidelines, if I am even still around.

Heading down to Dover for the vote!

Regards,
Mary Graham
Legal Liaison for RISE Delaware

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