

## RISE Delaware Update for July 8, 2023

### RISE Delaware Update: Why we keep fighting and congratulations New York City Public Service retirees!

Folks,

Many of you may be new to the email list and following our work to stop the move of Delaware retirees into a Medicare Advantage (MA) Plan. Please be aware that our public service colleagues in New York City have been fighting this issue for longer than we have in Delaware. As a matter of fact, these folks are our mentors in this cause and are ably led by the amazing Marianne Pizzatola. Last fall, Marianne joined RISE folks for a group Zoom call and talked about the New York City fight. See their great website: <https://www.nycretirees.org/>

What we have learned from them is that victory is won by inches and not by yards. Every win is the result of a fight. You have to keep fighting. Also, good legal counsel is imperative in this fight because, unfortunately, once you retire, you are no longer represented by the unions and professional associations that advocate for active employees. This means that some unions, as you can see in the New York City situation, have supported their retirees and some have not. Indeed, in the New York City situation, some union leaders have actively conspired to put their retirees, who had contracts specifying that they would receive a Medicare Supplemental plan in retirement, into a Medicare Advantage plan.

The good news in the articles below is that the New York retirees have won a temporary stay from being moving into the MA plan while the judge reviews their case.

The New York City retiree group had to take their case to the courts. You always hope for a political solution. And we have made great head way in educating not just you, but our legislators about the problems with Medicare Advantage. But it would be a mistake to assume that this battle cannot be won without good legal counsel. And that is why we have been trying to reach out to retirees who may be unaware that the current Medicfill plan, a Medicare Supplemental plan, is not a guarantee and that we need to continue to monitor what is happening and keep raising funds to keep the fight going.

Thank you for your support and read below the good news (for now) from two articles about the New York City public service retirees.

All the best,  
Lisa Diller

#### **Judge temporarily blocks Mayor Adams from switching NYC retirees to Medicare Advantage**

*By Chris Sommerfeldt and Cayla Bamberger  
New York Daily News  
Jul 07, 2023 at 3:30 pm*

**A TRIAL COURT JUDGE HAS TEMPORARILY BLOCKED MAYOR ADAMS FROM SWITCHING RETIRED CITY WORKERS TO A COST-CUTTING MEDICARE ADVANTAGE PLAN.**

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Manhattan Supreme Court Judge Lyle Frank granted a temporary restraining order Thursday that, until he issues a final ruling, prevents roughly 250,000 city retirees and their dependents from losing their current health insurance.

The retirees who brought the lawsuit “have shown that numerous promises were made by the City to then New York City employees and future retirees” about their coverage, according to court documents.

The court found a likelihood of it ultimately ruling in their favor, and that any switch in the meantime could cause “irreparable harm” and unevenly burden the former city workers concerned about their health benefits.

**Judge prevents Mayor Eric Adams from pushing retired city workers onto a cheaper Medicare Advantage Plan. Judge prevents Mayor Eric Adams from pushing retired city workers onto a cheaper Medicare Advantage Plan.**

Luiz C. Ribeiro/for New York Daily News

“As this matter deals with health decisions of an ageing and a potentially vulnerable population, mostly on fixed incomes, any lapse in care for these people could lead to deleterious impacts,” Frank wrote in the decision.

The most recent lawsuit, brought by nine retired municipal workers and the NYC Organization of Public Service Retirees in May, comes after retirees took legal action last year to prevent Adams from implementing an initial version of the Medicare Advantage plan.

Adams’ team this year devised a new plan that eliminates traditional Medicare as an option altogether and makes Advantage the only health insurance available to the city’s municipal retirees.

By removing a penalty from the picture found unlawful in the first lawsuit, Adams has argued the new plan is compliant and signed a contract in March with private health insurance giant Aetna to enroll retirees in it, effective Sept. 1.

“We are thankful the Judge saw our retirees would be harmed by being forced into Medicare Advantage with no ability to stay on traditional Medicare and supplement,” said Marianne Pizzitola, a retired FDNY EMS who serves as president of the retiree group.

New York City retirees protest outside City Hall on March 31 in Manhattan, New York in response to Mayor Adams’ signing a Medicare Advantage Plan contract for retired city employees. New York City retirees protest outside City Hall on March 31 in Manhattan, New York in response to Mayor Adams’ signing a Medicare Advantage Plan contract for retired city employees. (Barry Williams/for New York Daily News)

A representative for Mayor Adams indicated that City Hall could appeal the temporary measure.

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“We are extremely disappointed by this misguided ruling,” said Jonah Allon, a spokesman for City Hall, who argued that Medicare Advantage offers a lower deductible, a cap on out-of-pocket expenses and new benefits, such as transportation, fitness programs, and wellness incentives. “Further delay in implementing it will only cause greater uncertainty for our retirees and have a detrimental impact on our city’s budget.”

Harry Nespoli, chair of the Municipal Labor Committee, which is made up of reps for all local public sector unions, alleged the decision “misconstrued the appropriate legal standards and accepted unsubstantiated allegations as fact.”

Unlike traditional Medicare, Advantage plans are administered by private health insurance companies. The plans are also subsidized by the federal government at a higher rate than traditional Medicare options are, which Adams has said could net savings at a time when his administration is staring down multibillion-dollar budget deficits in coming years.

During oral arguments, an attorney for Aetna acknowledged it is “very likely” that medical care deemed necessary by a doctor or certain medical facilities could be turned down or unavailable to retirees, according to court documents.

Balancing the city’s argument that the new benefits are not inferior and delaying their implementation would derail plans, with the potential for hundreds of thousands of retirees to face lapses in their health care coverage, the court sided with the former city workers.

“Should this plan go forward, irreparable harm would result,” read the decision. “There can be no more specific irreparable harm than this.”

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**RISE Delaware: Retirees Investing in Social Equity Delaware**

<https://www.facebook.com/groups/1131036457767524>

<https://www.facebook.com/RiseDelaware>

<https://www.gofundme.com/f/rise-delaware-round-2-legal-and-other-costs>

**Our Web site:** [www.risede.com](http://www.risede.com)

**Checks may be made payable to:** *RISE Delaware*

**Address:** RISE Delaware, P.O. Box 7262, Newark, DE 19714

Public Meeting Calendar: State of Delaware

<https://publicmeetings.delaware.gov/#/>

