



### Inside this issue :

THE FUTURE OF HEALTHCARE AND STATES ROLE P. 1

CONCERNS ABOUT COVERED AGREEMENT P. 1

NCOIL 2017 SPRING MEETING AGENDA P.2

PASSAGE OF H.R. 5143 P.3

NCOIL 2017 CHAIRS & VICE CHAIRS P.4

NCOIL HEALTH INTERIM CALL P.4



Rep. Steve Riggs, KY  
NCOIL President



Thomas B. Considine  
NCOIL CEO

## NCOIL CALLS FOR GREATER ROLE FOR STATES IN THE FUTURE OF HEALTHCARE

State Legislators Need a Greater Role in Shaping the Future

As the debate unfolds about the future of the Affordable Care Act and healthcare in America, bipartisan NCOIL legislators, including New York State Assemblyman Kevin Cahill (D) and Oklahoma State Representative Glen Mulready (R), who serve as Chair and Vice Chair of the NCOIL Health, Long-Term Care and Health Retirement Committee are ready to formulate solutions to ensure consumers continue to receive care at a cost that is affordable and that the structure is strong so insurance companies can participate and thrive.

“Changing health care delivery is a complex challenge and state legislators need to participate to ensure our consumers are protected

and that companies can participate and remain solvent” said Commissioner Tom Considine, NCOIL CEO. “We have an accomplished group of solutions-oriented state legislators from around the country to help solve this problem.”

NCOIL is proving to be an effective watchdog against federal regulatory agencies that ignore the purpose of existing laws. Last year, NCOIL wrote to HHS and CMS about regulations that created a “Catch-22” and hampered the use of Health Savings Accounts. Proposed regulations were changed so that HSA’s were not eliminated.

In 2010, as Commissioner of the New Jersey Department of Banking and Insurance, NCOIL CEO Tom Considine wrote the Department of ***Continued on Page 2.***

## NEWS OF COVERED AGREEMENT RAISES SERIOUS CONCERNS

Kentucky Rep. Steve Riggs, NCOIL President, and Commissioner Tom Considine, NCOIL CEO, discussed the news that federal US and EU regulators concluded negotiations with a Covered Agreement.

“State based regulation of insurance, a system that has worked very well for three-quarters of a century, needs to be protected, from both federal or international regulation” said Rep. Riggs. “Friday’s announcement represents an intrusion by the federal government, and by extension international authorities, which should concern all of us who have worked to ensure the success of this productive regulatory system, as well as the consumers protected by it,” concluded Riggs.

“Last year, NCOIL publicly cited the risks inherent as regulation moves away from the local state-based regulator of insurers, and that US negotiators should not ***Continued on Page 3.***

## Future of Healthcare...continued from page 1.

Health and Human Services about the Interim Final Rules for Group Health plans and Health Insurance Coverage Relating to Status as a Grandfathered Health Plan Under the Patient Protection and Affordable Care Act and warned that mandating specific coverage levels removes the choice of consumers to keep their existing health care. Time has proven that was largely correct. "If the federal government had deferred to the state legislatures on these issues, the state of affairs in healthcare would be vastly superior to where we are today."



Sen. Jason Rapert, AR  
Vice President



Rep. Bill Botzow, VT  
Secretary



Rep. Matt Lehman, IN  
Treasurer



Sen. Travis Holdman, IN  
Immediate Past President

## NCOIL 2017 SPRING MEETING TENTATIVE AGENDA

### FRIDAY MARCH 3, 2017

All Attendee Welcome Breakfast	8:30 AM	10:00 AM
Health, Long-Term Care & Health Retirement Committee	10:00 AM	11:30 AM
General Session	11:30 AM	12:30 PM
Luncheon	12:30 PM	1:45 PM
Legislative Micro-Meetings	1:45 PM	2:15 PM
NCOIL-NAIC Dialogue	2:30 PM	3:45 PM
Networking Break	3:45 PM	4:00 PM
State - Federal Relations Committee	4:00 PM	5:15 PM
IEC Board Meeting	5:15 PM	5:45 PM
Taste of Louisiana Reception	6:00 PM	7:00 PM

### SATURDAY MARCH 4, 2017

Financial Services & Investment Products Committee	8:15 AM	9:45 AM
General Session	9:45 AM	11:00 AM
Workers Compensation Insurance Committee	11:00 AM	12:00 PM
Griffith Foundation Legislator Luncheon (Legislators only)	12:00 PM	1:15 PM
Life Insurance & Financial Planning Committee	1:15 PM	2:15 PM

### SUNDAY MARCH 5, 2017

Property & Casualty Committee	8:00 AM	9:30 AM
International Insurance Issues Committee	9:30 AM	10:45 AM
Business Planning and Executive Committee	10:45 AM	11:30 AM

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INFORMATION & TO REGISTER](#)**

capitulate to foreign regulators' demands for regulatory control. Friday's news raises serious concerns because it represents an incursion into the state regulation of insurance and it ends the collateral requirements of foreign insurers operating in the US" said Considine. "The small saving grace is that companies based in the United States and domiciled in a state seemingly will continue to be regulated by their state insurance commissioner who enforces the laws written by the state legislature."

NCOIL went on to cite a need to undertake a complete review of the agreement, citing the secret manner in which negotiations were held. "While most state regulators were not allowed to participate in the process, zero

### **NCOIL HAILS PASSAGE OF H.R. 5143**

The National Conference of Insurance Legislators hailed the passage of H.R. 5143 in the House of Representatives this past month. While there was no action in the Senate before the last Congress concluded, it proved that NCOIL legislators played a vital role in moving the process forward.

"As a Democrat who strongly supports this legislation I was pleased to see a number of members from my party vote for it so it passed on a bipartisan basis" stated Rep. Steve Riggs, (KY), NCOIL President. "I urge even more Democrats to do so in the Senate".

This past September, NCOIL legislators had a DC Education Fly In where seven legislators had over 50 meetings with Members of the House, Senators, committee staff and congressional staff. "This shows that NCOIL legislators have been effective in supporting our state based system where insurance laws are written and enforced at the state level" said Commissioner Tom Considine, NCOIL CEO. "NCOIL will take action where needed to ensure state based regulation is not undermined".

state lawmakers were allowed to participate. State lawmakers need to make their own thorough review of the Agreement to evaluate the extent of state law preemption by this non-transparent process and Agreement. I cannot be sure if consumer protections were violated by forcing our own American insurers to be subject to the new foreign made Agreement. I don't see much State sovereignty in that arrangement. State Lawmakers were not permitted proper representation in these negotiations. We also urge Congress to examine this Agreement closely, in light of the way it interferes with the mandate of McCarran-Ferguson," concluded Riggs.

State-based insurance regulation, which relies on individual states to regulate insurance company solvency and consumer protection, has helped create the most competitive insurance markets in the world. In the past several years a number of federal agencies, including the Federal Reserve and the Treasury, have begun intruding into insurance regulatory issues in ways that Congress did not intend when it adopted the McCarran-Ferguson Act in 1945 and reaffirmed as recently as passage of the Dodd Frank Act in 2010. Similar legislation of H.R. 5143, introduced by House Financial Services Subcommittee Chairman Blaine Luetkemeyer, the Transparent Insurance Standards Act of 2016, is Senate Bill S.1086. NCOIL is reiterating Congressional support for the state-based system and encouraging consensus before entering negotiations. H.R.5143 also would strengthen the role of the Independent Insurance Expert on the Financial Stability Oversight Council (FSOC).

### **NCOIL HEALTH, LONG TERM CARE AND HEALTH RETIREMENT COMMITTEE HOSTS INTERIM COMMITTEE CALL**

**Friday, January 27, 2017— 3:00 PM EST**

**For more information and to register visit:**

<http://ncoil.org/wp-content/uploads/2017/01/Health-interim-call.pdf>



## NCOIL 2017 COMMITTEE CHAIRS & VICE CHAIRS

### **Financial Services & Investment Products:**

Chair: Sen. Bob Hackett, OH,  
Vice Chair: Rep. Sam Kito, AK ,

### **Health, Long Term Care & Health Retirement Issues:**

Chair: Asm. Kevin Cahill, NY  
Vice Chair: Rep. Glen Mulready, OK

### **International Insurance Issues:**

Chair: Rep. Joe Fischer, KY  
Vice Chair: Rep. Lana Theis, MI

### **Life Insurance & Financial Planning:**

Chair: Sen. Mike Hall, WV  
Vice Chair: Rep. Richard Smith, GA

### **NCOIL-NAIC Dialogue:**

Chair: Sen. Jason Rapert, AR  
Vice Chair: Rep. George Keiser, ND

### **Property & Casualty Insurance:**

Chair: Asm. Ken Cooley, CA  
Vice Chair: Sen. Jerry Klein, ND

### **State-Federal Relations:**

Chair: Sen. Dan “Blade” Morrish, LA  
Vice Chair: Sen. Roger Picard, RI

### **Workers’ Compensation Insurance:**

Chair: Rep. Marguerite Quinn, PA  
Vice Chair: Asw. Maggie Carlton, NV

## **2017 COMMITTEE CHAIRS WILL ALSO INCLUDE:**

### **Articles of Incorporation/Bylaws:**

Chair: Asm. Will Barclay, NY  
Vice Chair: Rep. Deborah Ferguson, AR

### **Audit Committee:**

Chair: Sen. Jason Rapert, AR  
Vice Chair: Rep. Don Flanders, NH

### **Budget Committee:**

Chair: Rep. Matt Lehman, IN  
Vice Chair: Sen. Dan “Blade” Morrish, LA

### **Business Planning:**

Chair: Rep. Steve Riggs, KY  
Vice Chair: Sen. Jason Rapert, AR

## **HEALTH, LONG-TERM CARE AND HEALTH RETIREMENT COMMITTEE INTERIM CALL**

The NCOIL Health, Long-Term Care and Health Retirement Committee will host an interim committee conference call on Friday, January 27<sup>th</sup> at 3 pm ET to discuss changes to the Affordable Care Act and how state legislators can bring their expertise to the process. There are currently more than two dozen participants registered. To participate, please register for the call at [ncoil.org](http://ncoil.org).

## **NCOIL 2017 SPRING MEETING EARLY BIRD REGISTRATION ENDS JANUARY 27<sup>TH</sup>**

Please be aware that the early bird registration for the NCOIL 2017 Spring Meeting in New Orleans, LA from March 3 – 5 closes on Friday, January 27<sup>th</sup>.

You can register for the meeting and hotel accommodations at the Downtown Marriott [here](#). If you are a CIP or IEC member and wish to avail yourself of the discount, please call (732) 201-4133 for a discount code.

Sponsorships are available [here](#).

Sponsors will be acknowledged on signs during the event, in the meeting program and verbally at the Keynote Luncheon.