Orange
County Association of
Health
Underwriters

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Orange County Association of Health Underwriters



Inside this Edition:

- Feature Article: COVID-19 and it's Impact on Flexible Spending Accounts
- Pinnacle Award Winner
- Health Care Options: COBRA vs. Individual Coverage on Covered California
- NAHU COVID-19 Relief Program
- Women In Business Update
- Membership News
- CAHU House of Delegates Election Results!

Introducing the new OCAHU Board for 2020-2021!

See page 20 for details

In Memoriam Saying Goodbye to

Page 12-13

Two of our Members





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TABLE OF CONTENTS

Thank you for being a part of OCAHU!

What's Inside

	Page
President's Message	4
Feature Article - COVID-19 and it's Impact on Flexible Spending Accounts	5
Pinnacle Award Winner	6
Senior Summit 2020 - Save the Date	7
Compliance Corner - HIPAA Privacy & Security Updates	8
In Memoriam - Farewell to Two of our Members	12, 13
Health Care Options: COBRA vs Individual Coverage on Covered California	14
Legislative Update - Federal Agencies Release COBRA Emergency Final Rules	15
NAHU COVID-19 Relief Program	18
Women In Business Update	19
OCAHU Board & Staff 2020-2021	20
Membership News & Value of your Membership	21
CAHU Hosts its First Virtual House of Delegates Meeting	22
Why CAHU PAC is Important	24
CAHU PAC Form	25
OCAHU Sponsor Thank You Page	26
Schedule of Events	28



Making a Difference in People's Lives.

One Member at a Time.

Our association is a local chapter of the National Association of Health Underwriters (NAHU). The role of OCAHU is to promote and encourage the association of professionals in the health insurance field for the purpose of educating, promoting effective legislation, sharing information and advocating fair business practices among our members, the industry and the general public.



Would you like to be more involved with OCAHU?

Contact a board member today!

See page 20 for a list of members.

PRESIDENT'S MESSAGE

By: MaryAnna Trutanich, RHU, CHRS

First and foremost, I hope this message finds you healthy and safe. I want to take this time to Pause. Right now, I just can't bring myself to talk about our fabulous industry. Those of you who

know me understand my passion for all that I do. Today's current events are no different.

We have been living in a crazy world for the past 3 months. A world with COVID-19, Protests, Riots and Curfews. As I write this, we are in Day 8 of protests, having borne witness to tragedy and loss of life in our country. Day 4 of curfews all over this great State of California. The tragic event in Minneapolis and the civil unrest occurring around the country are weighing heavy on our hearts and minds. As individuals, we understand that the profound fear, anger, and grief people are feeling reflect longstanding social injustice and the recurring complex trauma — physical, psychological, economic, and social — of African American individuals and communities.

I am shocked, saddened, pained, angered and in disbelief at what is unfolding. The issue of racial inequity in our country is complex, long standing, and deeply embedded. Despite previous efforts, enough longer-term solutions have yet to be found.

We can and must do better! We can do our part. We can strengthen our commitment from where we stand—right here—with our OCAHU family. We start with these words of Gandhi: Be the change you wish to see in the world.

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Feature Article:



COVID-19 and it's Impact on Flexible Spending Accounts

By: Jennifer Holmberg, MAOM, GBA - OCAHU VP Communications & Public Affairs

The COVID-19 crisis in our country has led to much flexibility from insurance carriers and entities such as the IRS. In an effort

to assist the public with the added financial burden the pandemic has created, on May 12, 2020 the IRS released guidance for relief applicable to Healthcare and Dependent Care Flexible Spending Accounts. Below are the highlights of this new guidance.

Mid-Year Election Changes

Normally, FSA participant elections have a use-it-or-lose-it provision, meaning once the election is made it cannot be changed mid-year with limited exceptions if the participant experiences a qualifying event. Qualifying events include a change in employment status for the participant or spouse, a change in marital status, the addition of new dependent, a change in eligibility of the participant's dependent and specifically for dependent care, a change in daycare provider. Outside of any qualifying event, the participant runs the risk of losing any funds that remain in their account at the end of the plan year.

With stay at home orders in place, many participants did not have the opportunity to attend to normal and non-urgent medical services. All or a portion of funds set aside to pay for the planned services may no longer be needed.

The need for daycare services was also diminished for a large portion of the population that was forced to work from home or impacted by the COVID virus and had to remain at home carrying for their young children. In many instances, daycare centers closed down or summer programs were cancelled. Additionally, many families experienced a layoff or furlough that eliminated the need for dependent care.

Due to the unforeseen circumstances of the pandemic, the new guidance will allow a participant to make an election change on a prospective basis, that better aligns with their current situation. Permitted changes include revoking an election, making a new election if they previously waived coverage, or updating their contribution to a more attainable amount.

Grace Period Extension

After a plan closes, employees are allowed a grace period to incur expenses and submit for reimbursement. The maximum grace period allowed is typically two months and fifteen days immediately following the end of the plan year.

As many participants delayed care in the first part of the year due to the pandemic, they may need extra time to spend down the balance in their accounts. For plan years whose runout or grace period ends in 2020, employers can permit participants to use their leftover funds for services incurred on or before December 31, 2020. Plans that don't have a grace period in place currently, cannot take advantage of this extension.

For example, the ABC Company had a plan that ran from January 1, 2019 through December 31, 2019 and allowed for a two-month grace period ending February 29, 2020. ABC Company adopts the new provision to extend their grace period. Since their grace period ended in 2020, any participant with leftover funds after February 29, 2020 can use those funds for services incurred during the 2020 calendar year.

Increased Carryover Limit

On October 31, 2013 the IRS announced a new feature that would allow participants in a Health FSA only to rollover up to \$500 of unused funds to the employer's next plan year. This new feature became available for employers to include in their company's plan at their discretion. If adopted, the new carryover provision would replace the grace period for the Health FSA plan.

In an effort to minimize participant's loss of funds, plans beginning in 2020 can allow an increased carryover amount of \$550, up from \$500 from previous years. The carryover amount is now subject to indexing for inflation on an annual basis much like the maximum allowable contribution limit. Unlike previous regulations stating that the carryover was only applicable to Healthcare expenses, this new carryover limit will apply to Healthcare and Dependent Care plans alike.

Are Employers Required to Make Plan Changes?

These new provisions are allowable at the discretion of the employer. Employers do not have to adopt these new provisions, nor do they have to allow unlimited election changes. The employer can determine to what extent they want to permit election changes and allow for a timeframe or deadline for employees to report their desired change. Employer have the ability to limit mid-year changes to the

Continued on page 23



Pinnacle Award Winner

John Evangelista, LPRT

On February 28, 2020 at the 2020 Business Development Summit, OCAHU awarded its Pinnacle Award to John D. Evangelista, LPRT.

The Pinnacle Award was established in 2009. It is awarded each year to a past OCAHU President whose leadership, vision dedication and spirit have contributed greatly to the growth and success of OCAHU.

John is a General Agent for Colonial Life & Accident Insurance Co., a national worksite marketing insurance carrier specializing in voluntary benefits, worksite enrollments, and benefit education for America's workforce. His business focus is working with mid-size and large employers in Southern California and most states. John has been a broker representative and General Agent with Colonial Life for over 23 years.

During his tenure as a broker representative and General Agent with Colonial Life, John has qualified for Colonial's leaders conference 14 years, qualified for President's Club 3 years, and was recognized as the Premier District General Agent of the Year in 2007. Along with these awards, John has been awarded the District General Agent of the Year for Orange County and Inland Empire 8 years. His team members also are recognized as the top producing agents annually in their respective roles.

John is heavily involved within our industry, donating his time and making a difference. He is currently the Vice President Membership on the board of the Orange County Association of Health Underwriters (OCAHU). In the past he has served several roles in the local association to include; Membership, President-Elect, President, General Board Member, and Chairman of the Annual Charity Golf Tournament benefitting Cystic Fibrosis. He has also been the Vice President of Membership for the California Association of Health Underwriters (CAHU) and the Chairman of Membership Retention for the National Association of Health Underwriters (NAHU) Region 8. John has qualified for NAHU's LPRT recognition to include Soaring Eagle for the past 7 years.

He has been a guest speaker for training seminars including Continuing Education courses for various Health Underwriters chapters in Southern California.

John and his wife Kimberly live in Coto de Caza, CA and raised their three children in Orange County for the past 26 years. ##



John Evangelista's acceptance speech

OCAHU Business Development Summit 2020



Left to Right: Juan Lopez, Maggie Stedt John Evangelista

Senior Summit

By: Maggie Stedt, CSA, LPRT - Senior Summit Chair

Due to the COVID-19 Pandemic, the Senior Summit will be held virtually on September 2 & 3, 2020 by the three chapters that make up

the Senior Summit (Inland Empire, Orange County and San Diego).

We are extremely excited to offer this virtual event with the many Certifications, CE'S, and Product Training we have always offered in the past. By going virtual we can expect an even larger group of agent attendance. So, what does this mean for you the Partner or Supporter? Let us briefly explain. Besides more foot traffic going to your booth:

- You can be creative and offer complete information on all your county plans with descriptions of each plan,
- Opportunity to create a commercial to advertise your booth, introduce any new bonus opportunities, new plans and more,
- All registered attendees will have the opportunity to review any of the information presented at the Summit for an additional 90 days following the Summit at no charge.

The virtual experience is so thorough; no expense has been spared bringing to the audience the most informed Summit of our time.

To our Summit Impact Partners - this is an opportunity that cannot be passed up. With your support and insight, we are excited to see what new and creative idea's we will bring to this year's Summit. Remember, we are only limited by our own imagination. Let us work together and present a program that people will be talking about for many years to come!

We would like to take this time to say a heart-felt "Thank You"! Without your continued support the Senior Summits would not be here after 7 years.

We finally feel that the Medicare Agents, Carriers and Agencies can say we are here, and we are being heard!

We look forward to your participation at the 7th Annual Senior Summit in September!

##



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COIN COMPLIANCE CORNER

What Agents and Your Clients Need to Know!

HIPAA Privacy & Security Updates—

By: Dorothy M. Cociu, RHU, REBC, GBA, RPA, LPRT

There have been no HIPAA Privacy & Security settlements or civil monetary penalties announced since the last issue of the COIN, but there were several newsworthy releases from the Department of Health & Human Services (HHS) and Office of Civil Rights (OCR).

On April 30, 2020, HHS-OCR released COVID-19 Cyber Threat Resources. According to HHS/OCR, Cyber-criminals may take advantage of the current COVID-19 global pandemic for their

advantage of the current COVID-19 global pandemic for their own financial gain or other malicious motives. However, resources are available to raise awareness of COVID-19 related cyber threats and help organizations detect, prevent, respond, and recover from these threats. Below are resources that may be of interest to the healthcare community.

Cyber Attack Quick Response Checklist: Following the WannaCry ransomware attack in 2017, the HHS Office for Civil Rights (OCR) developed a checklist and corresponding Infographic identifying steps for a HIPAA covered entity or business associate to take in response to a cyber-related security incident. With the increase in COVID-19 it is encouraged that targeted entities review this checklist and infographic.

COVID-19 Email Phishing Against U.S. Healthcare Providers: The FBI issued a notice regarding email phishing attempts targeting healthcare providers. These attempts leverage COVID-19 related subject lines and content with intent to distribute malicious attachments. The notice includes information on how to identify specific phishing attacks and recommended actions to take following an attack.

Online Extortion Scams Increasing During The Covid-19 Crisis:

The Internet Crime Complaint Center (IC3) released an advisory regarding an increase in reports of online extortion scams. This advisory includes information on how to recognize online extortion scams and steps to take protect oneself from these scams.

Selecting and Safely Using Collaboration Services for Telework:

Video conferencing and online collaboration tools have become very popular due to the COVID-19 global pandemic, and the need for many people to work from home. The National Security Agency (NSA) published a notice that includes criteria to consider when selecting an online collaboration tool as well as information on how to use online collaboration tools securely.

<u>COVID-19 VTC Exploitation</u>: The increased use of video conferencing and online collaboration tools has led to an increase in malicious activity seeking to exploit the unsecure use of these tools. The HHS Health Sector Cybersecurity Coordination Center (HC3) released a white paper outlining ways these tools could be exploited and recommendations to mitigate these issues.

COVID-19 Cyber Threats: The HC3 also produced a brief on COVID-19 related cyber threats. This brief includes details on the increase in COVID-19 related malicious activity and information on how themed phishing attacks and websites are used as lures to trick users into entering malicious websites or downloading malicious software.

OCR's Cyber Security Guidance Material may be found here: https://www.hhs.gov/hipaa/for-professionals/security/guidance/cybersecurity/index.html. For more information related to HIPAA and COVID-19, please visit: https://www.hhs.gov/hipaa/for-professionals/special-topics/hipaa-covid19/index.html.

On May 5, 2020, HHS Office for Civil Rights issued guidance on covered health care providers and restrictions on media access to PHI about individuals in their facilities, reminding covered health care providers that the HIPAA Privacy Rule does not permit them to give media and film crews access to facilities where patients' protected health information (PHI) will be accessible without the patients' prior authorization.

The guidance explains that even during the current COVID-19 public health emergency, covered health care providers are still required to obtain a valid HIPAA authorization from each patient whose PHI will be accessible to the media *before* media is given access to that PHI. The guidance clarifies that masking or obscuring patients' faces or identifying information before broadcasting a recording of a patient is not sufficient, as a valid HIPAA authorization is still required *before* giving media such access. Additionally, the guidance describes reasonable safe-

HIPAA Privacy & Security Updates, cont. from page 8

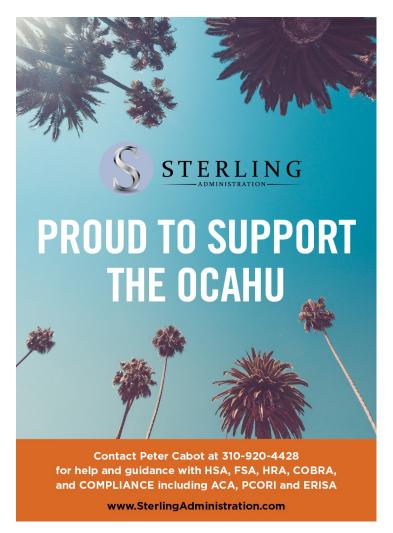
guards that should be used to protect the privacy of patients whenever media is granted access to facilities.

"The last thing hospital patients need to worry about during the COVID-19 crisis is a film crew walking around their bed shooting 'B-roll,'" said Roger Severino, OCR Director. "Hospitals and health care providers must get authorization from patients before giving the media access to their medical information; obscuring faces after the fact just doesn't cut it," Severino added.

The guidance may be found at https://www.hhs.gov/sites/default/files/guidance-on-media-and-film-crews-access-to-phi.pdf.

For more information related to HIPAA and COVID-19, please visit: https://www.hhs.gov/hipaa/for-professionals/special-topics/hipaa-covid19/index.html.

On May 5, the Cybersecurity and infrastructure Security Agency (CISA) at the US Department of Homeland Security, warning individuals that advanced persistent threat (APT) groups



are exploiting the Coronavirus Disease 2019 (COVID-19) pandemic as part of their cyber operations. *APT Groups Target Healthcare and Essential Services*.

In a joint alert from the United States Department of Homeland Security (DHS) Cybersecurity and Infrastructure Security Agency (CISA) and the United Kingdom's National Cyber Security Centre (NCSC), the following was reported:

CISA and NCSC continue to see indications that advanced persistent threat (APT) groups are exploiting the Coronavirus Disease 2019 (COVID-19) pandemic as part of their cyber operations. This joint alert highlights ongoing activity by APT groups against organizations involved in both national and international COVID-19 responses. It describes some of the methods these actors are using to target organizations and provides mitigation advice.

CISA-NCSC Alert: (AA20-099A) COVID-19 Exploited by Malicious Cyber Actors from April 8, 2020, previously detailed the exploitation of the COVID-19 pandemic by cybercriminals and APT groups and provides an update to ongoing malicious cyber activity relating to COVID-19. For a graphical summary of CISA's joint COVID-19 Alerts with NCSC, see the following guide.

COVID-19-related targeting

APT actors are actively targeting organizations involved in both national and international COVID-19 responses. These organizations include healthcare bodies, pharmaceutical companies, academia, medical research organizations, and local governments.

APT actors frequently target organizations in order to collect bulk personal information, intellectual property, and intelligence that aligns with national priorities.

The pandemic has likely raised additional interest for APT actors to gather information related to COVID-19. For example, actors may seek to obtain intelligence on national and international healthcare policy, or acquire sensitive data on COVID-19-related research.

Targeting of pharmaceutical and research organizations

CISA and NCSC are currently investigating a number of incidents in which threat actors are targeting pharmaceutical companies, medical research organizations, and universities in order to steal sensitive research data and intellectual property for commercial and state benefit. Organizations involved in COVID-19-related research are attractive targets for APT actors looking to obtain information for domestic research efforts into COVID-19-related medicine.

HIPAA Privacy & Security Updates, cont. from page 9

These organizations' global reach and international supply chains increase exposure to malicious cyber actors. Actors view supply chains as a weak link that they can exploit to obtain access to better-protected targets. Many supply chain elements have also been affected by the shift to remote working and the new vulnerabilities that have resulted.

Recently CISA and NCSC have seen APT actors scanning the external websites of targeted companies and looking for vulnerabilities in unpatched software. Actors are known to take advantage of Citrix vulnerability CVE-2019-19781[1],[2] and vulnerabilities in virtual private network (VPN) products from Pulse Secure, Fortinet, and Palo Alto.[3],[4]

COVID-19-related password spraying activity

CISA and NCSC are actively investigating large-scale password spraying campaigns conducted by APT groups. These actors are using this type of attack to target healthcare entities in a number of countries—including the United Kingdom and the United States—as well as international healthcare organizations.

Previously, APT groups have used password spraying to target a range of organizations and companies across sectors—including government, emergency services, law enforcement, academia and research organizations, financial institutions, and telecom-

munications and retail companies.

Technical Details

Password spraying is a commonly used style of brute force attack in which the attacker tries a single and commonly used password against many accounts before moving on to try a second password, and so on. This technique allows the attacker to remain undetected by avoiding rapid or frequent account lockouts. These attacks are successful because, for any given large set of users, there will likely be some with common passwords.

Malicious cyber actors, including APT groups, collate names from various online sources that provide organizational details and use this information to identify possible accounts for targeted institutions. The actors will then "spray" the identified accounts with lists of commonly used passwords.

Once a single account is compromised, they use it to access other accounts where the credentials are reused. Additionally, the actor could attempt to move laterally across the network to steal additional data and implement further attacks against other accounts within the network.

Continued on page 11

Orange County loves Oscar! V Our small group rates are stable and competitive. Year over year, our Q1 2020 rates increase by less than 1% (.9%). V Our provider network is strong - 14,000 physicians and top hospitals like Hoag and Mission. All Oscar plans get all the Oscar perks. Access to free and unlimited Doctor on Call, Step Tracking, and dedicated Concierge team. More ways to sell Oscarl Oscar Small Group is also available on California Choice, and now, on Covered California Small Business! Contact Rachael Jones at rachael@hioscar.com or visit hioscar.com to learn more.

HIPAA Privacy & Security Updates, cont. from page 10

In previous incidents investigated by CISA and NCSC, malicious cyber actors used password spraying to compromise email accounts in an organization and then, in turn, used these accounts to download the victim organization's Global Address List (GAL) so they can spray further accounts.

NCSC has previously provided <u>examples of frequently found</u> <u>passwords</u>, which attackers are known to use in password spray attacks to gain access to corporate accounts and networks. In these attacks, malicious cyber actors often use passwords based on the month of the year, seasons, and the name of the company or organization.

CISA and NCSC continue to investigate activity linked to large-scale password spraying campaigns. APT actors will continue to exploit COVID-19 as they seek to answer additional intelligence questions relating to the pandemic. CISA and NCSC advise organizations to follow the mitigation advice below in view of this heightened activity.

Mitigations

CISA and NCSC have previously published information for organizations on password spraying and improving password policy. Putting this into practice will significantly reduce the chance of compromise from this kind of attack.

- CISA alert on password spraying attacks
- CISA guidance on choosing and protecting passwords
- <u>CISA guidance on supplementing passwords</u>
- NCSC guidance on password spraying attacks
- NCSC guidance on password administration for system owners
- NCSC guidance on password deny lists

CISA's <u>Cyber Essentials</u> for small organizations provides guiding principles for leaders to develop a culture of security, and specific actions for IT professionals to put that culture into action. Additionally, the UK government's <u>Cyber Aware</u> campaign provides useful advice for individuals on how to stay secure online during the coronavirus pandemic. This includes advice on protecting passwords, accounts, and devices.

A number of other mitigations will be of use in defending against the campaigns detailed in this report:

- Update VPNs, network infrastructure devices, and devices being used to remote into work environments with the latest software patches and configurations. See CISA's guidance on enterprise VPN security and NCSC guidance on virtual private networks for more information.
- Use multi-factor authentication to reduce the impact of password compromises. See the U.S. National Cybersecu-

- rity Awareness Month's <u>how-to guide for multi-factor</u> <u>authentication</u>. Also see NCSC guidance on <u>multi-factor authentication services</u> and <u>setting up two factor authentication</u>.
- Protect the management interfaces of your critical operational systems. In particular, use browse-down architecture to prevent attackers easily gaining privileged access to your most vital assets. See the NCSC blog on protecting management interfaces.
- Set up a security monitoring capability so you are collecting the data that will be needed to analyze network intrusions. See the <u>NCSC introduction to logging</u> security purposes.
- Review and refresh your incident management processes. See <u>the NCSC guidance on incident manage-</u> ment.
- Use modern systems and software. These have better security built in. If you cannot move off out-of-date platforms and applications straight away, there are short-term steps you can take to improve your position. See the NCSC guidance on obsolete platform security.
- Further information: Invest in preventing malwarebased attacks across various scenarios. See CISA's guidance on <u>ransomware</u> and <u>protecting against malicious code</u>. Also see <u>the NCSC guidance on mitigating</u> malware and ransomware attacks.

Contact Information

CISA encourages U.S. users and organizations to contribute any additional information that may relate to this threat by emailing CISAServiceDesk@cisa.dhs.gov.

For more information related to HIPAA and COVID-19, please click here. ##



In Memoriam

Jason Reichert

OCAHU is sad to announce the passing of one of our own, Jason Reichert, who passed away in Cabo San Lucas, Mexico, on May 4, 2020. A long-term member of OCAHU, CAHU and NAHU, Jason was a past Vice President, Political Action Committee, for OCAHU. Jason was full of life; a former baseball player from Little League through high school at Villa Park High School, an avid golfer, a long-term season ticket holder for the San Diego/LA Chargers, and a huge supporter/booster of his girls' soccer teams. He also enjoyed Anaheim Ducks hockey and USA Mens and Womens soccer. One of his favorite past-times was deep-sea fishing, and he had planned to build a house and retire on the Sea of Cortez, where he could enjoy his favorite things.

Jason was a successful insurance agent and proud owner of JRL Insurance Services, Anaheim, California. He was involved with many charities. If you knew Jason, you will undoubtedly remember his warm smile, his generosity and loyalty, and his love of life. He was always willing to lend a helping hand, and was there to talk if you ever needed a friend.

Jason passed from Acute Pulmonary Edema, which was a result of many rounds of radiation therapy following his past cancer diagnoses. He is survived by his parents, James and Carolyn, two sisters, Lisbeth and Liane, and his children, Elizabeth (15) and Jacklyn (13).

Jason's family has indicated that there will be a Celebration of Life at a later date. In the meantime, in lieu of flowers, the family has asked for donations to an education fund set up for his daughters. Please contact Catherine Lagaris at Hephatha Lutheran Church, at (714) 637-0887, or by email at claqaris@hephatha.net. If you would like to share your memories and photos of Jason please visit the memorial site at https://www.memories.net/page/5068/jason-reichert#!/

REST IN PEACE, MY FRIEND...















In Memoriam

Terry Ives

Terry Lee Ives Was born on August 4, 1936. He was a graduate of USC and served proudly in the US Marine Corps. He was a father of three Mark, Mike and Karen all who have survived him. Although Terry left us earlier this year his spirit and enthusiasm lingers in all that knew him.

Terry began his career in 1960 with Travelers Insurance Co. He was the longest standing member of OCAHU at 35 years. His client base was well over 2,000. Terry brought many new members to OCAHU throughout those 35 years because he truly believed in what the organization stood for. He was also a member of NAIFA, FPA, OCEBC, ALTC, S of CSA and San Clemente Chamber of Commerce. Terry was an ethical person, truly putting the needs of those people he's served in front of his own always. He was always the first to raise his hand after a long lecture to ask a question, not only to have it answered by the presenter, but to educate all those in the audience. Terry was always the one in the room taking pictures to share with everyone, so they would remember that moment in time and how special it was.

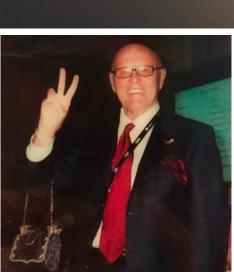
Although Terry loved his work and what he did helping people in the insurance industry, he was a multi faceted individual. Terry believed in physical fitness and taking care of your body. He embraced a lifestyle change and embarked on a challenging fitness program. In 1976 at the age of 41 he began competing in marathons, ironman's, and ultraman's. He completed 754 competitive races. Terry loved to dance and would go out with his lady friends and dance the night away with a smile on his face. He also loved his Porsche 912 and aspired someday to fix it up and drive it again.

When God made Terry he broke the mold. The world has lost a pillar in our industry the likes of which we will never see again. The world is a better place for those of us that got to know and spend time with Terry.

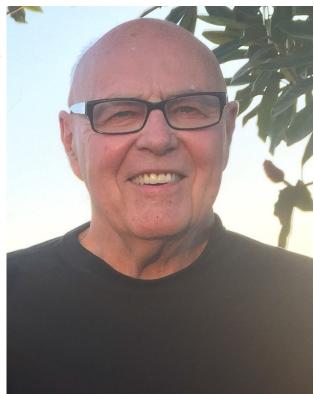














Health Care Options: COBRA vs. Individual Coverage on Covered California

By: Paul Roberts - OCAHU VP Professional Development

Many employees and their dependents have lost eligibility for their group health plans due to

the extreme economic downturn caused by the global COVID-19 pandemic. When looking for information on coverage options – and there are several of which you should be aware.

What is COBRA?

COBRA is a federal law, the Consolidated Omnibus Budget Reconciliation Act, which generally applies to employers with workforces of at least 20+ FTE that sponsor one or more group health plans. It requires employers to provide the option for an individual to continue coverage under that group health plan, once eligibility for that plan has been lost due to a qualifying event.

Cal-COBRA is an additional California state COBRA continuation law that applies to most California employers with 2-19 FTE employees who sponsor a group medical plan. Some states, like Nevada, do not have state continuation options. Federal COBRA, however, applies in all 50 states.

A "qualifying event" is a triggering event that causes the loss of coverage due to a change in eligibility for a group health plan – such as the termination of an employee's employment (whether voluntary or involuntary), or a reduction in hours that results in the loss of benefit eligibility – like switching from Full Time to Part Time, etc.

Note: Coverage can only be extended under a group health plan if the employer continues to sponsor that health plan. If an employer terminates the coverage altogether, there will be no group health plan for any employees or COBRA participants to continue.

Continuing group coverage via COBRA

A COBRA participant may continue some or all of the same coverage he or she had in place the day before the qualifying event. Each plan subscriber has separate election rights. This means that all enrolled members – employee, spouse, child (ren) – can elect to continue any combination of benefits they had in place the day before the qualifying event occurred.

When coverage is continued via COBRA, there may be no gaps in coverage. This means that COBRA coverage will become effective the day after qualifying event that resulted in loss of coverage. Although there is a 60-day election period, if COBRA is elected the participant will be billed for retroactive premium for every day of coverage beginning the day after coverage was lost.

Federal COBRA can be continued for anywhere from 18 to 36 months. In most circumstances, California COBRA participants can continue medical coverage for up to 36 months – though it can vary.

COBRA can be costly

COBRA participants must pay the full cost of the entire health premium(s) on their own, in order to continue the plan. This includes the former employer contribution. Most employers fund anywhere from 50% to 100% of the cost of plans for employees. In addition to this full premium, federal COBRA usually contains an additional 2% administrative fee, and Cal-COBRA contains an additional 10% administrative fee.

It is also worth noting that group health benefits through an employer, including COBRA coverage, are usually more expensive than individual health plans purchased on the individual Covered California health insurance exchange. However, it also merits noting that group plans usually contain richer provider networks and cost-friendlier coinsurance and copayment amounts, in comparison to Individual plans.

How to elect COBRA

The potential COBRA participant should refer to the "General Rights Notice" he or she received from the employer (or employer's COBRA TPA) when first enrolling in the group coverage. This notice informs covered employees of their continuation rights under COBRA, upon the future loss of coverage due to a qualifying event.

When eligible for COBRA, an election notice will be mailed to the potential COBRA participant. The notice will explain the type of qualifying event, the date of qualifying event, the loss-of-coverage date, election period details/ timelines, type(s) of coverage eligible for continuation, premium amounts, due dates of premiums, where to send payments, beginning and end of the continuation period, and more. Once the form is received, the participant will have up to 60 days to elect COBRA coverage – however, a new special timeline exists due to COVID-19 hardship.

Standard COBRA timelines give employers 44 days to distribute election notices upon the occurrence of a qualifying event. From there, the participant has 60 days to elect coverage, and then up to 45 days to make the first payment once coverage is elected. COBRA participants must continue to make monthly premium payments within the specified grace periods so as not to disrupt coverage.

Recently, the Departments of Labor and Treasury released an emergency regulation regarding the federal COBRA-election period during the COVID-19 national emergency. The emergency rule takes effect immediately and applies retroactively to March 1, 2020.

COBRA and COVID-19 Extensions

The emergency rule changes the COBRA election period by

Continued on page 16



Legislative Update:

Federal Agencies Release COBRA Emergency Final Rules

By: David Benson - OCAHU VP Legislation

The Departments of Labor and Treasury released an emergency final regulation regarding the COBRA-election period during the dates of the COVID-

19 national emergency. The emergency rule took effect immediately and can be applied retroactively to March 1, 2020. The emergency rule allows more flexibility for:

- Initial COBRA election period
- Deadline for premium payments
- Timeline for employers to provide COBRA election notices.

The changes in these timelines will be in effect until the Administration declares the end of the COVID-19 national emergency.

Election Period

The emergency rule changes the COBRA-election period by allowing a person who has an election period ending between March 1, 2020 and the end of the national emergency an additional 60 days after the end of the national emergency to choose COBRA-continuation coverage. Traditionally, enrollees have 60 days to elect COBRA, but this will allow much more time for the decision to be made during the pandemic.

Deadline for Premium Payments

The emergency rule allows for flexibility of the COBRApayment deadline. A carrier or employer cannot terminate coverage for a late or delinquent payment during the COVID-19 national emergency. This change applies not only to those

newly eligible for COBRA but also to those that may have elected COBRA before March 1, 2020 and have not yet made their March payment. The timing of this rule may affect some beneficiaries that missed their March payment and have been terminated; in that case, the carrier and employer must reinstate the beneficiary.

Those beneficiaries who missed payments during the COVID-19 national emergency will have 30 days to make all outstanding payments once the Administration declares that the national emergency is over. If beneficiaries cannot make all of the backdue payments within the 30-day timeframe, their coverage may be retroactively limited to the months they were actually paid.

Election Notices

The emergency regulation allows employers an extension until after the end of the national emergency to deliver COBRA-election notices. Although this seems to benefit the employer during a time in which compliance may be a burden, it is unclear how this extension aligns with informing beneficiaries of changes the emergency rule made for their election period and premium payments, if the election notice from their employer is also delayed.

In addition to the COBRA deadlines, the regulation extends the regular timeframes for group health plan participants to:

- Request a special enrollment period under ERISA
- Notify the plan about a qualifying event or determination of a disability
- File a benefit claim
- File an appeal of an adverse claim determination
- File or amend an external review.

The standard timeframes for these actions will not start until after the Administration declares the end of the national emergency, or another date that may be announced by the Administration in the future.

In addition to the COBRA emergency rule, the DOL released FAQs and guidance on Model Notices, which can be found here. We will have more information on these in the next edition of the Washington Update. ##

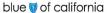
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Health Care Options, continued from page 14

allowing a person who has a COBRA election period ending between March 1, 2020 and the end of the national emergency an additional 60 days after the end of the national emergency to elect COBRA continuation coverage. This is in contrast to the standard 60-day election period in the COBRA law.

The emergency rule also states that a health insurance carrier or an employer cannot terminate COBRA coverage for a late or delinquent payment during the national emergency period. This change applies to those newly eligible for COBRA, and also to those that may have elected COBRA before March 1 and have not made their March payment. Those beneficiaries who missed payments during the COVID-19 national emergency will have 30 days to make all outstanding payments once the Administration declares the national emergency is over. If beneficiaries cannot pay all retroactively due payments within that 30 -day timeframe, their coverage may be retroactively limited to include only the months for which COBRA premiums were paid.

Other options

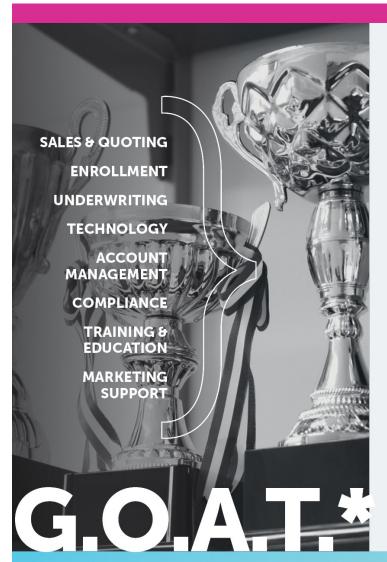
Another option when eligibility for a group health plan has

been lost, is new individual coverage on the state exchange (Covered California) outside of the exchange's standard Open Enrollment Period. Under normal circumstances, individual coverage on the exchange is available for enrollment around the holidays during an annual Open Enrollment, for coverage that is effective 1/1 or 2/1. However, a "Special Enrollment Period" is created when an employee or other covered person loses group coverage – allowing them up to 60 days to enroll in new Individual coverage on the Exchange. Furthermore, due to COVID-19, the Covered California program is letting impacted individuals enroll outside of traditional Open Enrollment through 6/30/2020.

Checking out plan options on Covered California

Visit CoveredCA.com, and use the "Shop and Compare" tool to see your options. Premium assistance may be available to applicants, based on income. These premium subsidies can be used to help pay for the cost of the coverage. Furthermore, some applicants may be eligible for free coverage under California's Medi-Cal program, also based on income. The tool gives a snapshot of available plans, pay-

Continued on page 17



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Health Care Options, continued from page 16

ment assistance programs, and costs; it recommends plans based on personal coverage needs, as noted using the Shop and Compare tool.

To apply for a plan, an applicant can apply directly online or by speaking with a certified enroller; both options are presented to potential applicants.

Individual coverage on state exchanges such as Covered California are issued on a "guaranteed" basis. As long as enrollment is sought within 60 days of losing group coverage, within the standard Open Enrollment Period, or via a Special Enrollment Period — a person's health status is not considered for enrollment.

COBRA coverage – Pros and Cons

One of the most attractive aspects of COBRA is that it allows an individual to continue coverage with the same physician, health plan, and medical network providers. This means, there would be no disruptions to current coverage, treatments, prescription drug benefits, etc.

Conversely, continuing group coverage through COBRA is often more expensive than Individual plans via Covered California. This is because individual plans often have different "network" options of providers, and can offer an array of different health costs for services – especially for deductibles, coinsurance, etc. Under COBRA, there are often no cost-sharing/premium assistance options available, and coverage can only be continued for 18-36 months.

Individual coverage – Pros and Cons

With a brand new individual plan, the applicant can pick a health plan specific to his or her own needs – including plans within certain networks or different providers that are otherwise unavailable in the current group program. An individual can choose the plan that is most cost-effective and in line with his or her health needs. As discussed previously, premium assistance may be available to help offset the cost of individual plans when purchased on the state exchange.

Conversely and for these reasons, the new plan will likely differ from the former group health plans – and because of this, medical care can sometimes be complicated for those currently in treatment for a sickness under their current group health plan when moving to a new individual plan.

California's Individual Mandate

As of January 1, 2020, California has a state "individual mandate" in place, which requires Californians to have health coverage for all of 2020, or pay a fine. A one-time gap of up to three months is usually permitted without penalty. Employer medical coverage (including COBRA), individual coverage on the Covered California exchange, and coverage through Medi-Cal or Medicare all count as qualified coverage under the mandate. Non-compliance penalties under the mandate are the greater of \$695/adult + \$347.50/child or 2.5% of household income.

Will COVID-19 testing be covered under my plan?

Yes. Recent federal law mandates that all FDA Approved COVID

-19 testing must be covered without cost sharing to all health insurance members – including group COBRA coverage and individual coverage through Covered California.

What to look for when deciding on a plan?

While there are many different factors to consider, most individuals start by focusing on the following:

- Deductibles: The amount a policyholder owes for covered health care expenses before insurance begins to pay. (Exceptions are wellness visits and medically necessary COVID-19 testing). For example, if your deductible is \$1,000, your plan won't pay for anything until you've met your \$1,000 deductible for covered health services. Then, co-insurance and co-pays will begin.
- Co-Insurance Amounts: The policyholder's share of costs of a covered health service, calculated as a percentage.
- Co-Payments: A fixed amount a policyholder pays for a covered health service, usually a flat dollar amount, when the service is rendered. This can vary by the type of service received.
- Networks: The facilities, providers (physicians, etc.), and suppliers a health insurer has contracted with to provide health services at in-network rates. ##

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Introducing the NAHU COVID-19 Relief Program

By: David Benson - OCAHU VP Legislation

NAHU knows that things have been difficult for many of you during the last few months and we know that, for some, the difficulties have been at great cost. We have heard from many of you that you want to help your fellow members and their families who have been the most seriously affected. For this reason, we are introducing a new program designed to provide financial support to members and their families that have been most impacted by the COVID-19 outbreak.

Financial support could be provided to help with out-of-pocket medical expenses, unanticipated funeral expenses or other expenses due to being treated for COVID-19 for those members in good standing and their legal dependents. Distributions will be based on greatest need and subject to available funding. For additional information on other community resources in need in your area, please go to www.nahu.org/coronavirus-information.

If you are in a position to make a contribution to help support your fellow NAHU member, we ask that you please donate at https://donate.onecause.com/education-foundationcovid-19reliefprogram. These contributions are tax-deductible. If you need assistance, please apply at www.nahu.org/coronavirus-information. Applications will be kept confidential.

We are truly concerned for the well-being of our members so if you find yourself needing assistance, please ask! ##



Looking for COVID-19 Resources or Information?

CAHU Resources

CAHU's COVID section is a great resource to use when looking for information that is state specific. There are helpful links, videos, posters and more. Please visit https://www.cahu.org/covid-19-information for more information.

NAHU Webinar Series

NAHU is helping members stay up to date with the latest on the COVID-19 Pandemic. They have developed a page on their website to house information on different areas where the crisis has affected. They also have a webinar series with previous recordings accessible. Please visit https://nahu.org/coronavirus-information for more information.

Women In Business Update

By: Pat Stiffler - OCAHU Women In Business Chair

Well we really tried to make it work this year, but due to the COVID-19 crisis, the Celebration of Women in Business Fashion Show and Luncheon has been officially rescheduled for June 4, 2021.

Although it is disappointing, this is not going to stop OCAHU and the amazing Women in Business committee from raising funds for New Hope Grief Support Community! New Hope helps adults, teens and children deal with the grief of a loved one. This is something that we will all face in our lifetime, especially in a time that has seen so many deaths with the Pandemic. New Hope's work needs to continue!

We are working out the details for an online fundraising campaign kicking off on July 14th. More details will be available soon.

To find out more about New Hope please go to www.newhopegrief.org. ##



CAHU Podcast Series

Check out CAHU's new Podcast Series at: http://anchor.fm/cahu and cahu.org/our-issues or on Spotify! (search CAHU) or at cahu.org. Designed to allow CAHU members to share with their office staffs, employer clients and consumers!

Not a member? Please join now!

Contact John Evangelista at

(949) 452-92019, or by email at
john.evangelista@coloniallifesales.com.

OCAHU Board of Directors and Staff 2020-2021

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The Value of Your Membership

By: John Evangelista LPRT - OCAHU VP Membership

What do you get for your investment as an Orange County Association of Health Underwriters member?

Legislative Updates and Alerts

Through communication and membership meetings, we keep your finger on the pulse when it comes to healthcare reform and upcoming changes.

Professional Development

We are committed to helping agents and brokers reach new heights in their careers through Continuing Education course, seminars, conferences and more.

Networking

OCAHU provides a rich forum for sharing ideas, asking questions and learning new technologies.

And it doesn't stop there!

- National Association of Health Underwriters (NAHU) will protect your right to serve your clients needs.
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- You will share information with top producing insurance professionals.
- You can participate in grassroots efforts that respond to local, state, and federal legislative issues.
- You will benefit from a variety of member-only discount programs.
- NAHU's Code of Ethics demonstrates to your clients your commitment to professionalism.
- You will play an active role in the future of the health insurance industry.
- You will receive a subscription to America's Benefit Specialist, the National Association's monthly magazine, and bimonthly OCAHU newsmagazines.

With NAHU following trends in Large and Small Group Managed Care Plans, Individual Health Plans, Long Term Care Insurance, Disability Insurance, and Medicare, you will benefit from membership no matter your specialty.

Visit: www.ocahu.org for more information ##

Membership News

We'd like to welcome the newest members of OCAHU!

Briana Hudson Susan Reeves
Brian McCloskey Allen Wu







CAHU Hosts its First Virtual House of Delegates Meeting

By: Dorothy M. Cociu, RHU, REBC, GBA, RPA, LPRT

OCAHU Well Represented with 3 CAHU Board Members!

The California Association of Health
Underwriters held its annual House of

Delegates meeting on June 12, 2020. This year, of course, the meeting could not be held in person as has been its tradition. But with COVID-19, nothing is traditional or "normal" anymore. Leaning into the new normal, CAHU held the meeting virtually on ZOOM, and streamed it live on Facebook. Any members wanting to watch the meeting could do so from their offices or homes.

62 members were present on the meeting, and 60 were eligible to vote. The House of Delegates' elections were held for state board positions. The slate of officers was presented to the delegates by David Fear, Sr., Immediate Past President of CAHU, in his last official role for the board.

In the only contested position, OCAHU's Paul Roberts ran against San Diego's Craig Gussin, for Vice President, Consumer Affairs. Both were excellent candidates for the position. Following the vote, Paul Roberts was declared the winner, with 57% of the votes, against Craig's 43%. Other Orange County Board Members are Maggie Stedt, President, and Dorothy Cociu, Vice President, Communications, and Editor of The Statement, which will begin with the July-August, 2020 issue.

The new board was inducted by David Fear, Jr. All board members vowed to serve the association on the state level.

The 2020-2021 California Association of Health Underwriters Board of Directors is as follows:

President Maggie Stedt

President - Elect Korey Ashton

VP Membership Barbara Ciudad

VP Communications Dorothy Cociu

VP Public AffairsPaul Roberts

VP Corporate Affairs Yolanda Webb

VP Legislative Affairs *Brad Davis*

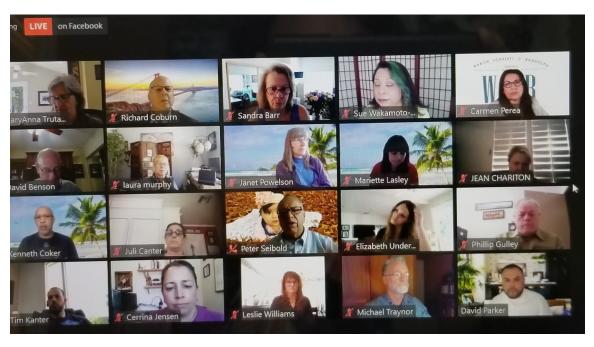
VP Professional Development Mariette Lasley

VP Finance Cathy Little

VP PAC Sue Wakamoto-Lee

Immediate Past President Bruce Benton

OCAHU is proud to have such great representation on the CAHU Board of Directors! Congratulations to all!



CAHU House of Delegates Meeting



OCAHU Board embracing the new normal with a Virtual June Meeting



Have you updated your of Health Underwriters CAHU-PAC contribution form yet?

If not, copy the form on page 25 of this issue and mail to

CAHU today!

All current CAHU-PAC members are required to update their enrollment and payment information now!

Thanks for your participation!

Feature Article, COVID-19 & FSA cont. from page 5

amount the employee has already been reimbursed from their account.

Those employers that choose to move forward with one of all new features, can make these changes to their plan retroactively back to January 1, 2020. In order to make these plan changes, the employer will need to contact their FSA Administrator and request a formal amendment to their plan. The amendment for the 2020 plan year must be adopted on or before December 31, 2021. Communication to all employees eligible to participate in the plan is also required. ##

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Why CAHU PAC is Important

By: Maggie Stedt, CSA, LPRT - Senior Summit Chair

This coming year is going to be a challenge for our industry! The pandemic has brought the healthcare delivery to the forefront of political conversations. Below are results of a poll from our lobbyist Faith Lane Borges shared with the CAHU Senior Leadership. Our contributions to the Political Action Committee are increasingly

important. Our voice needs to be heard. Together we can impact change and eliminate threats to our industry. If you haven't started contributing, please consider supporting the CAHU PAC. Thanks for staying the course on your contributions!!!

Californians' views on single-payer health care amid pandemic

Speaking of health care, 55% of Californians think a single-payer system like Medicare for All would improve the country's response to disasters and pandemics like COVID-19, according to <u>a recent poll</u> from UC Berkeley's Institute of Governmental Studies. The poll, which was conducted between April 16-20 and surveyed 8,785 registered voters, showed varying levels of support based on party, region, race and age, among other factors.

Some key results, broken down by:

- Political party: 16% of Republicans think a single-payer system would improve the country's disaster response, compared with 76% of Democrats.
- Age: 65% of Californians between 18-25 and 63% between 26-35 support a single-payer system, compared with 50% between 56-65 and 45% over 66.
- Race: 63% of Asians, blacks and Latinos think a single-payer system would improve the country's disaster response, compared with 50% of whites and 42% of Native Americans
- Region: 62% of voters in the Bay Area and Los Angeles support a single-payer system, compared with roughly 46% to 54% in other regions of the state.
- Financial situation: 61% of Californians who say COVID-19 poses a major threat to their financial situation support a single-payer system, compared with 44% of those who say it doesn't.

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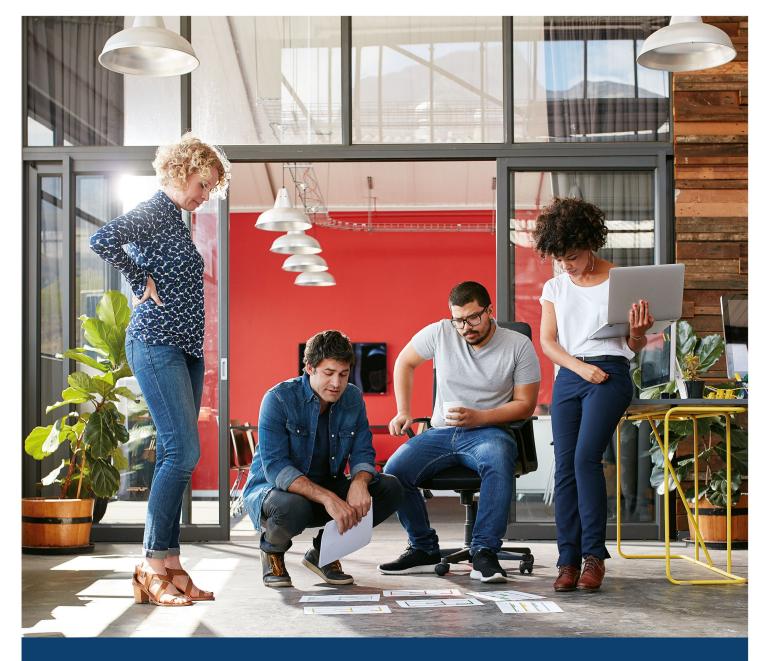
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- THE C.O.I.N. -

Please join us at our events!

SCHEDULE OF EVENTS:

Due to COVID-19, most of our in-person events have been rescheduled to a later date. Stay tuned for updates as CA starts to re-open.

July 14, 2020, OCAHU Women In Business Virtual Fundraiser Kick-off, More information to come...

August 14, 2020, OCAHU Women In Business Virtual Live Auction

September 2-3, 2020, 7th Annual Senior Summit, NEW LOCATION: Virtual