



HR and Benefits Update



President Obama and key Congressional Democrats are moving quickly to enact “comprehensive health reform” this year. Senator Edward M. Kennedy and Senate Democrats yesterday (June 9, 2009) released draft legislation that if adopted, would radically change the U.S. health care system, the “Affordable Health Choices Act” (the “Act”). The draft legislation restates and expands upon a draft bill (S.381) by the same name that Senator Ron Wyden previously introduced in the Senate on February 5, 2009.

Consistent with announced plans by President Obama and key Congressional Democrats to enact “comprehensive health care reform” this year, Democratic leaders in Congress are rushing to enact this legislation well before year end. Individuals concerned about these and other proposed health care reforms must act immediately to become familiar and share their input on the proposals.

In furtherance of plans to fast track enactment of the Act, the Senate Committee on Health, Education, Labor and Pensions (HELP) chaired by Senator Kennedy will hold a hearing on the Act on Thursday, June 11, at 3 p.m. in Dirksen 430 and plan to begin the mark up of the Act on Tuesday, June 16, at 2:30 p.m. in Russell 325.

Among other things, the Act as proposed would:

- Establish government provided “Gateway” health care coverage programs to provide coverage for Americans not insured under qualifying employer or other privately run “qualified health plan” to be financed in part through surcharges on private health plans and health insurers and other taxes and assessments and in part through premiums on enrolled individuals.
- Require that Americans participating in the Gateway health care coverage programs be offered the opportunity to enroll in at least one “public health insurance option”.
- Require Americans to choose either to enroll in a government run Gateway health program or enroll in qualifying coverage under a privately run qualified health plan.
- Impose sweeping new mandates on employer and union-sponsored group health plans and insurers.
- Impose newly created taxes on individuals that fail to maintain enrollment in health coverage under either a Gateway health program or a private qualified health plan.
- Tax and/or eliminate the deductibility of health coverage premiums and certain other amounts paid by certain employers and employees.
- Impose new federal mandates for health care providers, health plans and health insurers relating to the quality standards, the use of health care technology and other matters.
- Grant federal regulators sweeping authority to define what qualifies as appropriate health care and health care coverage, the health care services that qualify for health care coverage and the payment and delivery of health care services.

You can review a copy of currently proposed provisions of the 615 page Act [here](#).

Assistance Monitoring & Responding To Health Care Reform Proposals

Curran Tomko Tarski LLP partner, Cynthia Marcotte Stamer, has more than 22 years of experience advising and assisting clients to evaluate and respond to health care reform proposals and other proposed or adopted changes in federal or state health care, employee benefit, employment, tax and other federal and state laws. Former Chair of the American Bar Association’s Managed Care & Insurance Section, Ms Stamer is a highly regarded legal advisor, policy advocate, author and speaker recognized both nationally and internationally for her more than 20 years of work assisting U.S. public and private

employers, health care providers, health insurers, and a broad range of other clients to respond to these and other health care, employee benefit and workforce public policy, regulatory and compliance and risk management concerns within the U.S., as well as internationally. Ms. Stamer is a widely published author and popular speaker. In addition to hundreds of publications on health plan and other human resources, employee benefits and internal controls issues, Ms. Stamer is the author of the "Health Plan Eligibility Toolkit." Her work has been featured and published by the American Bar Association, BNA, SHRM, World At Work, Employee Benefit News and the American Health Lawyers Association. Her insights on human resources risk management matters have been quoted in The Wall Street Journal, the Dallas Business Journal, Managed Care Executive, HealthLeaders, Business Insurance, Employee Benefit News and the Dallas Morning News.

Ms. Stamer also serves in a number of professional leadership roles including the leadership council of the ABA Joint Committee on Employee Benefits, Vice Chair of the ABA Real Property, Probate & Trust Section and Employee Benefits & Compensation Group.

If your organization needs assistance with monitoring, assessing, or responding to these or other health care, employee benefit or human resources reforms, please contact Ms. Stamer via e-mail [here](#), or by calling (214) 270-2402. For additional information about the experience, services, publications and involvements of Ms. Stamer specifically or to access some of her many publications, see [here](#). For more information and other members of the Curran Tomko Tarski, LLP team, see the [Curran Tomko Tarski Website](#).

Additional Resources & Information

We hope that this information is useful to you. For additional information about the experience, services, publications and involvements of Ms. Stamer specifically or to access some of her many publications, see [here](#). For more information on other members of the Curran Tomko Tarski, LLP team, see the [Curran Tomko Tarski Website](#).

You can register to receive future updates and information about upcoming programs, access other publications by Ms. Stamer and access other helpful resources [here](#). If you or someone else you know would like to receive updates about developments on these and other human resources and employee benefits concerns, please be sure that we have your current contact information – including your preferred e-mail – by creating or updating your profile [here](#). If you would prefer not to receive these updates, please send a reply e-mail with "Remove" in the subject line to support@SolutionsLawyer.net. You can also register to participate in the distribution of these updates by registering to participate in the Solutions Law Press HR & Benefits Update Blog [here](#).