

EXECUTIVE SUMMARY

The Council of Insurance Agents & Brokers' Legal Counsel Working Group convened a virtual meeting to discuss federal and state actions undertaken in response to the novel coronavirus (COVID-19), among other things.

The Working Group was chaired by Working Group Chair Andy Impastato, Vice President, Insurance Counsel and Director of Industry Affairs for BXS Insurance, and was attended by over 30 of the insurance brokerage industry's top legal counsels. The virtual meeting was staffed by The Council's Associate General Counsel Gracie Gerlach, Chief Legal Officer Scott Sinder, Senior Vice President of Government Affairs Joel Wood, Vice President of Government Affairs Joel Kopperud, Director of Government Affairs Blaire Bartlett, NAIC/State Legislative and Regulatory Chief Counsel Kate Jensen, and NAIC/State Legislative and Regulatory Senior Advisor LeeAnn Goheen.

FEDERAL UPDATES

The Working Group heard from Wood, Kopperud, and Bartlett on an array of political issues, including the implications of the Georgia runoff election, committee leadership projections, and the Biden Administration's expected immediate actions related to health insurance.

While the Biden Administration has indicated its support for a COVID-19 relief package, there is still some uncertainty about the contents, timing, and cost of any COVID-19 relief proposal. According to [Biden's COVID-19 plan](#), we can expect provisions aimed at expanding the Affordable Care Act's premium subsidies, among other things.

Beyond the 50-50 Senate split and next COVID-19 relief package, the Working Group also received updates on other current and future federal issues, including:

- Patient balance/surprise billing protections included in the FY21 spending and COVID-19 relief package, which were enacted in December 2020.
- The Trump Administration's independent contractor rule; and the Trump Administration's proposed rule regarding wellness programs, which are both subject to the Biden Administration's regulatory freeze.

STATE UPDATES

With state legislatures back in session, we have seen an increase in state regulatory activity and there continues to be incremental movement on a few state legislative issues, including:

- *State OSHA Regulations.* Virginia's Safety and Health Codes Board adopted a [final and permanent workplace safety standard](#) regarding COVID-19. The permanent rule appears to mostly mirror the temporary standards. Additionally, California's OSHA finalized its workplace [emergency temporary standards](#) and issued related guidance—including [FAQs](#), [fact sheet](#), and [model COVID-19 prevention program](#).
- *Vaccine Coverage.* Multiple states have issued guidance regarding coverage of COVID-19 vaccine administration (i.e., clarifying that carriers must cover all costs (e.g., copays, coinsurance, and deductibles)).

- *Liability Protection, Business Interruption, and Workers' Compensation.* We continue to see state legislatures introduce bills on these issues. We will let you know if there's any significant movement!

The Council will continue to monitor this activity, but for regular and recurring updates, please continue to use The Council's [COVID-19 Resource Center](#)—including the legislative trackers on business interruption coverage and workers' compensation, a legislative tracker on enacted civil liability protections, the state premium forbearance tracker, the state insurance regulatory tracker, and the broader regulatory tracker—as a source of the recent and pending developments at the state level.

NAIC & NCOIL

After organizing during January, NAIC and NCOIL are starting to schedule meetings in their various Committees. Steptoe Team will continue to monitor activity and report back with any relevant updates. Please let Steptoe know if there is any issue on which you would like us to engage.

OTHER ISSUES

Members also spent time discussing other issues, including:

- Updates regarding the National Association of Registered Agents and Brokers (NARAB).
- Next steps regarding developing with APCIA a data security questionnaire for NYDFS cyber rule compliance.
- Issues regarding the Biden Administration's position on ICHRAs and potential changes to "affordability" calculations in the individual and group markets.

SEE YOU SOON!

We anticipate the next call will take place on **Tuesday, April 20, 2021**. If you have any questions in the meantime, please email Gracie Gerlach at gracie.gerlach@ciab.com.