

Orange
County Association of
Health
Underwriters

Volume 12, Issue 4
March/April, 2018



C.O.U.N.

COUNTY OF ORANGE INSURANCE NEWS



OCAHU Hosts Annual Business Development Summit

**Coming March 13th! OCAHU Special Event -
Consumer Education Day... Register Your Clients Now!
Educate your Clients on Leave Laws & Benefits!**



OCAHU Business Development Summit 2018... See inside for more!

Inside this Edition:

- **Feature Article:** Leave Laws & Benefits
- **Single Payer Is Not Dead!**
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Single Payer Threat is Not Dead!

It's Alive and Mobilizing!

**Supporters Hosting
Meetings, Email Cam-
paigns and More!**

**See page 23
for more information!**

Feature Article:

Leave Laws & Benefits

**By: Marilyn Monahan, Mo-
nahan Law Office**

**Educate your clients on FMLA,
CFRA, Pregnancy Disability
Leave, New Parent Leave Act,
Paid Family Leave, Employer
Leave Policies and How They
All Inter-relate!**

**Written to supplement your at-
tendance at our Consumer Edu-
cation Day on March 13th!**



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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.



Letter from OCAHU President, Juan Lopez

Wow, hard to believe 1st quarter is racing past us already and Sacramento is busy at work creating new possible legislation to change our industry. Some would

say for the better and some would say for the worst; as always, it depends on your perspective. I would say, if Sacramento is in session no one is safe... I think of the 2017 Road taxes and Cap & Trade taxes affecting / costing us all.

In either case, all new bills and any carryover bills must be completed by February 16 to be heard; CAHU is hard at work planning to review each Healthcare Bill submitted at our annual Bill Review Committee meeting on March 6 in San Diego. This is where all of CAHU's executive board and each chapter's Legislative Chairs sit in a room and review each bill and agree on CAHU's single position on each piece of legislation. This is important to have one collective voice in order to find coalitions that agree with us and gain strength in number to help pass or fight any legislation.

I'm thankful for a GREAT Board of Directors this year who have worked hard to plan all of our spectacular events. I'm excited about our Business Development Summit (BDS) on February 22, as it has a great speaker lineup. Mark your calendar for our golf tournament on April 16th that supports Cystic Fibrosis Foundation. Our March meeting is our Consumer Education Day where you can bring clients to get beneficial leave law updates, and see how they work with your clients' benefit programs. In June, it's our famous "Women in Business" event at our new venue, the Balboa Bay Club in Newport Beach. August brings us the planning for 4th quarter and our ever-expanding "Medicare Summit" at a new venue, Pechanga Casino.

I want to personally thank you for your OCAHU membership and I'm open to your suggestions on how we can improve any aspects of our chapter to bring you more value. ##

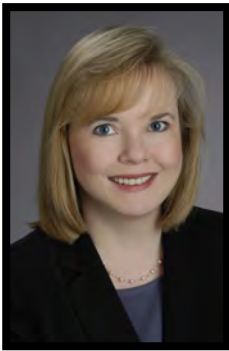
1-HOUR CEU
Course #:
364631

CONSUMER EDUCATION DAY: Leave Laws and Benefits Tuesday - March 13, 2018

*Presented by Marilyn Monahan, Esq.
Monahan Law Offices*

Bring Your Clients! Tables Available!

**For more information and to
register visit ocahu.org**



Feature Article:

Leave Laws & Benefits

By: Marilyn Monahan,

Many California employers are subject to a series of (sometimes) overlapping leave laws. Understanding their obligations under these laws can be a struggle for many employers—

understanding how they must administer their employee benefit plans during leave periods adds another layer of complexity to the mix. This article will summarize some of the key leave laws that California employers have to grapple with, and the health and welfare benefit mandates included within the terms of those laws.

Family and Medical Leave Act

The federal Family and Medical Leave Act (FMLA) generally applies to employers with 50 or more employees. Employees are eligible for FMLA leave if they have worked for at least 12 months, worked at least 1,250 hours over the past 12 months, and work at a location where the company employs 50 or more employees within 75 miles of the worksite.

Eligible employees are entitled to up to 12 weeks of leave in a 12-month period. Leave may be taken due to:

- The “serious health condition” of the employee that makes the employee unable to perform the functions of his or her job;
- The birth of a son or daughter, and to care for the newborn child;
- The placement with the employee of a child for adoption or foster care;
- The serious health condition of the employee's spouse, son, daughter, or parent; and
- Any “qualifying exigency” arising out of the fact that the employee’s spouse, son, daughter, or parent is a military member on covered active duty (or has been notified of an impending call or order to covered active duty status).

Also under FMLA, an eligible employee is entitled to up to 26 weeks of leave in a 12-month period to care for a covered servicemember with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the covered servicemember

Benefits: During any FMLA leave, an employer must maintain the employee’s coverage under any group health plan on the same conditions as coverage would have been provided if the employee had been continuously employed during the entire leave period.

The FMLA regulations contain detailed rules on the payment of premiums. In summary, if the employee is on paid leave, premiums are paid as they would be if the employee were actively at

work. If the employee is on unpaid leave, the employee may make premium payments to either the employer or the insurer, as required by the employer. (29 C.F.R. §§ 825.210–825.213.)

The employer may recover its share of health plan premiums paid during a period of unpaid FMLA leave if the employee fails to return to work at the end of the FMLA leave, unless the reason the employee does not return is due to:

- (1) The continuation, recurrence, or onset of either a serious health condition of the employee or the employee’s family member, or a serious injury or illness of a covered servicemember, which would otherwise entitle the employee to leave under FMLA; or
- (2) Other circumstances beyond the employee’s control.

An employee’s entitlement to benefits other than group health benefits during a period of FMLA leave is to be determined by the employer’s established policy for providing such benefits when the employee is on other forms of leave (paid or unpaid, as appropriate).

California Family Rights Act

Employers that are subject to FMLA are also generally subject to the California Family Rights Act (CFRA). Furthermore, leave is permitted under CFRA for generally the same reasons as under FMLA, but there are some important distinctions between the two laws. For example, under CFRA leave may be taken to care for the serious health condition of a registered domestic partner; this right does not exist under FMLA. In addition, unlike FMLA, leave for a “qualifying exigency” and to care for a “covered servicemember” are not available under CFRA.

Benefits: The CFRA regulations specify that the employer has an obligation to maintain and pay for group health plan benefits during an employee’s CFRA leave. The benefits shall be maintained and paid for at the same level and under the same conditions as coverage would have been provided if the employee had not taken CFRA leave.

An employer may recover the premium that the employer paid for maintaining group health coverage during any unpaid part of the CFRA leave if both of the following conditions occur:

- (1) The employee fails to return from leave after the period of leave to which the employee is entitled has expired.

Continued on Page 7



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- (2) The employee's failure to return from leave is for a reason other than the continuation, recurrence, or onset of a serious health condition that entitles the employee to CFRA leave, or other circumstances beyond the control of the employee.

Under CFRA, an employee may have the right to continue other non-health benefits as well. Specifically, CFRA regulations state that an employee is entitled to participate in employee benefit plans, including life, short-term or long-term disability, accident insurance, and pension and retirement plans, to the same extent and under the same conditions that would apply to any other leave granted by the employer for any reason other than CFRA leave. In addition, if the employer has no policy regarding personal or disability leave, or if the employer does not allow for the continuation of benefits during leave, an employee taking CFRA leave is entitled to participate in the employer's various benefit plans in accordance with the terms of those plans.

Pregnancy Disability Leave

Under California's Pregnancy Disability Leave law (PDL), employers must allow an employee disabled by pregnancy, childbirth, or a related medical condition to take a leave for a reasonable period of time, not to exceed four months. PDL applies to employers who regularly employ 5 or more employees. There is no length-of-service requirement for employees.

Benefits: While the employee is on leave, the employer must maintain and pay for coverage under the group health plan for the duration of the leave, not to exceed four months over the course of a 12-month period. Coverage must be maintained at the level and under the conditions that coverage would have been provided if the employee had continued in employment continuously for the duration of the leave.

An employer may recover from the employee the premium that the employer paid for maintaining coverage under the group health plan if both of the following conditions occur:

- (1) The employee fails to return from leave after the period of leave to which the employee is entitled has expired.
- (2) The employee's failure to return from leave is for a reason other than one of the following:
 - (i) The employee taking leave under CFRA.
 - (ii) The continuation, recurrence, or onset of a health condition that entitles the employee to PDL, or other circumstance beyond the control of the employee.

In addition, during the leave, the employee may be able to participate in other non-health employee benefit plans, including life, short-term and long-term disability, accident insurance, pension and retirement plans, stock options, and supplemental unemployment benefit plans. The employee shall be allowed to participate in these plans to the same extent and under the same conditions as would apply to any other unpaid disability leave granted by the employer for any reason other than a pregnancy disability.

FMLA/CFRA/PDL: How Do They Interrelate?

One significant difference between FMLA and CFRA is how the two laws relate to PDL. An example might help: Susan has worked full-time for Acme Consulting for several years. Susan recently became disabled by pregnancy. Her doctor has certified that she will need to be off work for 4 months, the maximum leave period allowed under PDL. Susan also qualifies for leave under FMLA and CFRA, because she has worked more than 1,250 hours in the previous 12 months. Further, her pregnancy qualifies as a "serious health condition" under FMLA and CFRA. FMLA and PDL run concurrently. As a result, during Susan's 4-month PDL leave period, she is simultaneously exhausting her maximum 12-week FMLA leave period, and will not have any FMLA leave remaining when her PDL leave ends.

CFRA and PDL, however, do not run concurrently. Therefore, Susan is not exhausting her CFRA leave rights while she is on PDL leave. She will therefore still be entitled to up to 12 weeks of leave under CFRA to bond with her baby after she exhausts her 4 month PDL leave period (for a total of 4 months plus 12 weeks). What is the impact on her benefits? Susan will be entitled to maintain her group health coverage during both her PDL and CFRA leave periods.

New! The New Parent Leave Act

There is an important new development in the leave law arena for 2018. S.B. 63, the New Parent Leave Act, was signed by Governor Brown in 2017 and took effect January 1, 2018. The Act requires employers with 20 or more employees to allow eligible employees to take up to 12 weeks of leave to bond with a new child within one year of the child's birth, adoption, or foster care placement.

An employee is eligible under the Act if the employee has worked for the employer more than 12 months, and had at least 1,250 hours of service with the employer during the previous 12-month period. In addition, the employee must work at a worksite in which the employer employs at least 20 employees within 75 miles.

The Act does not apply to an employee who is subject to both CFRA and FMLA, but the leave is in addition to any leave the employee may be entitled to under PDL.

Benefits: While the employee is on leave, the employer must maintain and pay for coverage under the group health plan for the duration of the leave, not to exceed 12 weeks over the course of a 12-month period. Coverage must be maintained at the level and under the conditions that coverage would have been provided if the employee had continued to work in his or her position for the duration of the leave.

The employer may recover the premium that the employer paid for maintaining coverage under the group health plan

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Upcoming Important Events... Mark Your Calendars!!

NAHU Presents: Benefits Technology Certification Course

Register Now!

April 3, 2018

9:30 am—12:30 pm

(Registration 9 am)

Kaiser Permanente, Anaheim

3430 E. La Palma, Anaheim, CA, 92806

Mark Your Calendars

Ethics, 1 Hour CE

(plus OCAHU annual meeting)

Mark Your Calendars

May 8, 2018

Carlton Hotel (formerly the Radisson Hotel),

Newport Beach, CA

(course number to be announced)

if both of the following conditions occur:

- (1) The employee fails to return from leave after the period of leave to which the employee is entitled has expired.
- (2) The failure of the employee to return from leave is for a reason other than the continuation, recurrence, or onset of a serious health condition or other circumstances beyond the control of the employee.

Paid Family Leave

California's Paid Family Leave (PFL) benefit does not give employees any additional leave rights—instead, PFL provides partial wage replacement for eligible employees on leave. PFL provides up to six weeks of wage replacement benefits to workers who take time off work (a) to care for a seriously ill child, spouse, parent, grandparent, grandchild, sibling, or domestic partner; or (b) to bond with a minor child within one year of birth, placement of the child in foster care, or adoption. PFL is taken concurrently with FMLA and CFRA.

No more than six weeks of PFL benefits will be paid within any 12-month period. The employer may require an employee to take up to two weeks of earned but unused vacation leave prior to the employee's initial receipt of PFL benefits. **New!** Effective January 1, 2018, a 7-day waiting period no longer applies to PFL benefits.

Employer Leave Policies

Employers may limit employee leave rights to only what the law mandates, or they may have leave policies that are more generous than the law requires. In all cases, employers should carefully review their employee handbook, employment contracts, summary plan descriptions, and other documents that describe any employee leave rights to ensure they are consistent with applicable law and that key eligibility and administrative terms are addressed. For example, leave policies should specify when an employee is eligible for leave, the maximum length of leave, whether leave will be paid or unpaid, whether employees will be entitled to participate in employee benefit plans during the leave, and what the payment terms for the employee benefit plans will be. Employers should also ensure that any promises made to continue participation in employee benefit plans while on leave are consistent with the terms of the plans themselves, so that the employer is not promising more than the insurance company is willing to deliver.

Conclusion

It is imperative that employers understand their obligations under all applicable federal and state leave laws. An essential part of that process is having a clear understanding of how employee benefits are handled during a leave. Employers will then be in a better position to communicate to the employee—before the leave begins—what the employee's rights and obligations are, reducing the potential for confusion later on and easing benefit administration for both the employer and the employee.

Editor's Note: Marilyn Monahan can be contacted at Marilyn A. Monahan, 4712 Admiralty Way, #349, Marina del Rey, California 90292; (310) 301-3300 (o) or email her at marilyn@monahanlawoffice.com . ##

New! Tax Cuts and Jobs Act!

The Tax Cuts and Jobs Act (H.R. 1; Public Law No. 115-97) provides that, for 2018 and 2019 only, an eligible employer may receive a partial tax credit for providing, pursuant to a written policy, paid family and medical leave to eligible employees. (26 U.S.C. § 45S.) Among other requirements, paid leave must be offered to both full-time and part-time employees, and for at least 2 weeks per year. A qualifying employee must work at least one year for the employer and not earn more than \$72,000. "Family and medical leave" is defined with reference to certain provisions of FMLA; paid "vacation leave, personal leave, or [other types of] medical or sick leave" will not qualify.

Save the Date!

Women in Business

June 1, 2018

Balboa Bay Resort

9:30 am—2:00 pm

Proceeds Benefit New

Hope Grief Support

Business Development Summit 2018

On February 22, 2018, OCAHU held its annual Business Development Summit (BDS). It was a great success, chaired by President-Elect Ryan Dorigan and VP Professional Development MaryAnna Trutanich.

The program began with a federal update from Michael Embry, NAHU President. He presented a CE Course entitled NAHU Washington Update.

Next, OCAHU VP Communications and COIN Editor Dorothy Cociu presented probably the liveliest and most-attended session of the day, a CE class on Reference Based Pricing. Dorothy highlighted how this concept has been successful in self-funded plans in most of the country, but has been slow to hit California. Reference Based Pricing uses a Medicare-Plus type of payment system for self-funded employers, and has been cutting costs dramatically for those employers using this method. Dorothy invited experts on this topic, MaryAnn Wessel, VP New Business at EBA&M, an Orange-County based TPA that has recently added reference based pricing to its administration portfolio, Ryan Dorigan, OCAHU President-Elect and our resident Medicare expert from AGA, and two executives from excess loss underwriting firms who have been working with plans with reference based pricing for a number of years throughout the country. Holgate Dean, Account Executive from Creative Risk, and Rick Paul, President of US Benefits, both spoke of the positive results they've seen using reference based pricing, and answered some technical questions, both from Dorothy Cociu, who then acted as a moderator, as well as the animated crowd.

One thing is for sure... This was one of the most interested crowds we've seen at BDS, hungry to know what this concept is all about, and how it could possibly help our insurance market.

Dorothy, who wrote a feature article on this topic for the November/December 2017 issue of the COIN, has been attempting to educate our members and the industry on this concept. She stated in her article, as well as in the CE session on February 22, that a think tank committee at CAHU (including Dorothy, Bruce Benton, Neil Crosby, Dave Fear, Alan Katz, John Nelson and others) has been discussing ideas on drafting possible legislation to help us fight the Single Payer threat in California, and such committee has talked about the possibility of adding reference based pricing to possible legislation, to allow the market to come up with its own cost-

savings tools to bring premium pricing down in California, and hence, have a strong argument against Single Payer.

OCAHU and Dorothy would like to thank MaryAnn, Holgate and Rick for their impromptu participation in this CE session's Q&A. Dorothy also wanted to thank the attendees for their participation and excellent questions during the session.

There were four breakout sessions, including Alternative Benefit Strategies with Cora Tellez, Succession Planning for Agencies with Phil Calhoun, Medicare Trends from Maggie Stedt and Senior Risk Planning with Alan Schroeder.

Our lunchtime presentation included awarding past president Andy Torelli with the 2018 Pinnacle Award, which was presented by past president Don Goldmann.

The luncheon keynote presentation was from Charles Specht III, who spoke on How to Become a Million Dollar Producer.

The day ended with an informative legislative update from Faith Lane Borges, CAHU Legislative Advocate.

To all of you that attended, thank you very much, and we look forward to our 2019 BDS, as well as our upcoming golf tournament, Women in Business, and of course, our Consumer Education Day featuring attorney Marilyn Monahan, Monahan Law Offices, on March 13th.

The entire OCAHU Board would like to thank Ryan Dorigan, Maryanna Trutanich and Gail James, Executive Director, for all of their hard work putting together an excellent program!

##





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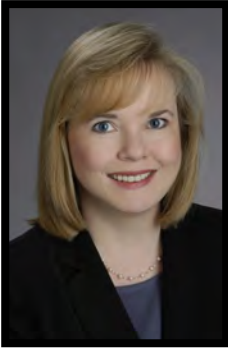
* Kaiser Permanente International, <http://xnet.kp.org/kpinternational/participants.html>, accessed November 25, 2014.

kp.org/choosebetter

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What Agents and Your Clients Need to Know!



March, April, 2018 Legal Briefing

From Marilyn Monahan, Monahan Law Offices

This is a summary of some recent developments of interest to consultants and employers:

ACA/Federal: Highlights

H.R. 195 (Public Law No. 115-120) - Funding Bill: The funding bill signed on January 22, 2018, contained three provisions relating to the ACA:

Medical Devices: Amends the Internal Revenue Code to extend for two years (2018 and 2019) the moratorium on the 2.3% excise tax on the sale of medical devices. (Under current law, the moratorium expired at the end of 2017.)

Cadillac Tax: Amends the ACA to delay for two years the implementation of the excise tax on high cost employer-sponsored health coverage. Under the bill, the tax will go into effect in 2022 instead of 2020, as required under current law.

HIT: Suspends for 2019 the annual fee imposed on certain health insurance providers based on market share.

H.R. 1 (Public Law No. 115-97) - Tax Cuts and Jobs Act: The Tax Cuts and Jobs Act, signed on December 22, 2017, contained a number of provisions relating to benefits and other items of interest to benefit professionals. In summary:

- New withholding tables need to be used by employers
- Watch for revised W-4s
- Under the ACA, the individual shared responsibility penalty is effectively repealed, effective 12/31/18
 - Note: Penalty still owed for 2017 and 2018 if no coverage
 - Fringe benefits (effective for 2018 tax year):
 - Eliminates employer deduction for qualified transportation fringe benefits (does not eliminate employee deduction)
 - Eliminates exclusion from wages for qualified bicycle commuting
 - Eliminates moving expense deduction (except military) (for 8 yrs)
 - Changes the rules on certain meal expense deductions
 - Eliminates certain entertainment deductions

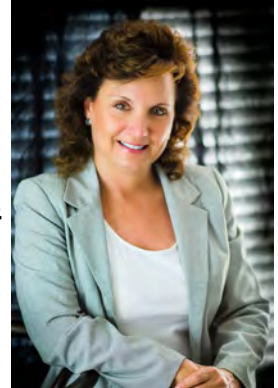
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HIPAA Privacy & Security

Updates—From Dorothy

Cociu, COIN Editor and HIPAA Privacy & Security Consultant & Trainer

On February 1, 2018, HHS/OCR announced that Five Breaches add up to millions in settlement costs for an entity that failed to heed HIPAA Risk Analysis Management Rules.



Fresenius Medical Care North America (FMCNA) has agreed to pay **\$3.5 million** to the US Department of Health & Human Services (HHS) Office of Civil Rights, and to adopt a comprehensive corrective action plan, in order to settle potential violations of the HIPAA Privacy & Security Rules. FMCNA is a provider of products and services for people with chronic kidney failure with over 60,000 employees that serves over 170,000 patients. FMCNA's network is comprised of dialysis facilities, outpatient cardiac and vascular labs, and urgent care centers, as well as hospitalist and post-acute providers.

On January 21, 2013, FMCNA filed separate breach reports for separate incidents occurring between February 23, 2012 and July 18, 2012, implicating the electronic protected health information (ePHI) of five separate FMCNA owned covered entities.

The five locations of the breaches were Bio-Medical Applications of Florida, DBA Fresenius Medical Care Duval Facility in Jacksonville, Florida (FMC Duval Facility); Bio-Medical Applications of Alabama, Inc., DBA Fresenius Medical Care Magnolia Grove in Semmes, Alabama (FMC Magnolia Grove Facility); Renal Dimensions, LLC, DBA Fresenius Medical Care Ak-Chin Facility in Maricopa, Arizona (FMC Ak-Chin Facility); Fresenius Vascular Care Augusta, LLC (FVC Augusta); and WSKC Dialysis Services, Inc., DBA Fresenius Medical Care Blue Island Dialysis (FMC Blue Island Facility).

OCR's investigation revealed FMCNA covered entities failed to conduct an accurate and thorough risk analysis of potential risks and vulnerabilities to the confidentiality, integrity and availability of all of its ePHI.

The FMCNA covered entities impermissibly disclosed the ePHI of patients by providing unauthorized access for a purpose not permitted by the Privacy Rule. FMC Ak-Chin failed to im-

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Business Development Summit Photos



OCAHU Welcomes the New Members Who Joined at the 2018 OCAHU BDS!

1. Stephanie Lukasik – NFP California Insurance
2. Diana Gonzalez – Advanced Benefit Center
3. Holly Ackman – SCAN Health Plan
4. Marcy Alvarez – Compusys Insurance
5. Kandi Brennan – Filice HR Compliance
6. Lizette Weinstein – Filice Insurance
7. Mark Boyes – Allstate Benefits
8. Anthony McCarren – Advanced Benefit Consulting
9. Lisa Marie Ammirato – United HealthCare
10. Veronica Pineda – R.L. Sellers Insurance
11. Cierra Gonzalez – R. L. Sellers Insurance
12. Brian Haney – Payday Workforce Solutions
13. Marah Rosenberg – Coast Benefit Consultants

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OCAHU/CAHU/NAHU Membership Has Its Awards!

By: Sarah Knapp, OCAHU Awards Chair

Becoming a member of OCAHU allows not only professional growth, networking, legislative education and industry knowledge, it also allows you to participate in the awards programs offered to our members!

LPRT

The **Leading Producers Round Table** was formed by NAHU in 1942 to recognize the successful underwriters of Accident & Health Insurance. Today, the LPRT committee is committed to making LPRT the premier program for top Health, Disability, Long Term Care and Worksite Marketing Insurance producers, carrier reps, carrier management and general agency/agency managers.

As the saying goes, “membership has its rewards” and as a member of the Leading Producer’s Round Table (LPRT), you will have the recognition of your peers for being one of the top performers in our business. LPRT members also receive discounts on many NAHU services and meetings. There are exclusive LPRT-only events held as well.

The qualification categories are:

Personal Production: Business written by a single producer.

Carrier Representatives: An employee of an insurance carrier working with producers.

Agency: Management of a general agency or agency.

Carrier Management: Carrier/home office sales managers, directors of sales and vice president sales

Visit NAHU.org click on Resources > “Promote Yourself” > LPRT for more information on how you can qualify for this exclusive membership.

TRIPLE CROWN AWARD

Another **AWARD** through NAHU is the **President’s Triple Crown Program**. The program was created to recognize those members whose individual contributions to NAHU help advance the association’s mission. Like any Triple Crown, it recognizes accomplishment in three key areas. To qualify for the Triple Crown, within a calendar year a member must cover the following areas:

HUPAC: Participate in the \$10 x 12 draft program or contribute \$150 total. This is a separate from your CAHU PAC contribution.

Membership: Recruit at least two new members.

Advocacy: Use Operation Shout to send at least three messages.

That’s it. It’s as simple as 1, 2, 3! To find out more about the President’s Triple Crown Program, visit NAHU.org click Resources > Promote Yourself> Media Tools> Triple Crown Template

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To find out more visit NAHU.org click on “Professional Development” then “Registered Employee Benefits Consultant.”

##

MEET SARAH

Likes: Puppies, volunteering,
Mediterranean food.

Favorite Quote: "Dreams
don't work unless you do"

- John C. Maxwell

Passion: Teaching brokers
how to use PRO Apply

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OCAHU 2017 Annual Report

Income

Dues	\$12,887
Corporate Sponsorships	\$46,500
Monthly Meeting Registration	\$14,545
Continuing Education Day	\$4,150
Business Development Summit	\$50,075
Region 8	\$17,175
Senior Summit	\$97,111
PAC Contributions	\$5,874
Charitable Events	\$152,372
COIN Newsletter Advertisements	\$900
Interest Income	\$113
<i>Total Income</i>	<i>\$401,702</i>

Cost of Sales

Monthly Meetings	\$23,493
Charitable Contributions	\$152,694
Continuing Education Day	\$5,148
Business Development Summit	\$44,206
Region 8	\$18,630
Senior Summit	\$84,602
<i>Total Cost of Sales</i>	<i>\$328,773</i>

Expenses

OCAHU Administration / General Chapter Management	\$32,195
Membership & Recruitment	\$5,639
Legislative Activities	\$21,093
Conferences / Education	\$21,752
<i>Total Expenses</i>	<i>\$80,679</i>



Legislative Update

Rob Semrow, OCAHU V.P. Legislation

Hello OCAHU Members and Friends:

As 2018 begins to take shape I thought I would take a second to say Thank You to all of you for your hard work on behalf of your clients, your peers and this industry. I know how hard you all work to be the best consumer advocates that you can be on many critical issues. Now, it's time to be your best advocate and the industry's best advocate in what is sure to be a year filled with legislative challenges that could dramatically alter your lives, your clients lives and the industry as a whole. Yes, I know that sounds ominous...but some of the challenges we will be facing this year are on track to be just that ominous.

This year we are going to be facing the potential of fighting universal healthcare/single payer, (Many refer to it now as SB562), not only on one front but most likely on two fronts. *SB562 or some iteration of it appears likely to resurface potentially reshaped and re-invigorated and we may also see a ballot initiative proposing similar outcomes and pathways.* So, ominous may be the tone of the year when it comes to legislative issues for all of us here in California. Additionally, it is highly likely that like last year, we will see many important issues that may go through easier or be less discussed by all because of the focus on the over-arching reach and scope of the Single Payer pushes.

If you are still reading this and not curled up in the fetal position under your well-worn desk, then I know you are capable of being part of the solution to these challenges and the market place expert and advocate you truly are. This year, we need you

to take that inner frustration, anger, passion or whatever drives you and use it to help this industry survive and thrive. *We need you to advocate for our industry and your jobs by getting involved and engaged like many haven't before.* You need to call your legislators, participate in AHU Operation shouts, learn the facts about what is being proposed and be committed to being a part of the solution for the yourselves and the industry, the same way you are for your clients. There are many ways we at OCAHU, CAHU and NAHU will be assisting you and asking you to make this happen, so stay involved and engaged and we will get through this...possibly, stronger than ever.

I would urge you to visit the CAHU & NAHU websites for the overviews and updates on what passed for 2017, as well as what is being proposed for 2018. CAHU members should read up on AB156, AB265, SB17, SB133, SB788 and more. The new legislative year is just getting going and we are expecting it to be very busy this year.

Stay tuned as these and other developments are sure to make this a wild year for our industry. Remind your clients that as a member of OCAHU, you are a part of a group of dedicated industry professionals who are working with legislators and other advocates to create responsible and responsive change that have positive impacts and as important, positive outcomes.

Best of luck in these challenging times my friends!

Robert Semrow

Cell – 949-413-6566

**See What's Up With
Single Payer!**
It's Not Good News!

See Page 23 & 24 for Details!

January, 2018 Meeting Photos



More photos page 25

- O Eliminates deduction for cash and certificate achievement awards
- O Partial employer tax credit for paid FMLA leave (for 2018 and 2019)
- O Makes changes to executive compensation rules
Makes changes to 401(k) plans

The bill also included a provision that settlements, and attorney's fees, paid in sexual harassment or abuse cases may not be deductible as ordinary and necessary business expenses if the settlement is subject to a non-disclosure agreement.

There were certain items that were debated while the bill was making its way through Congress that did not appear in the final version, including: changes to dependent care FSAs, adoption tax credit, educational assistance programs, and qualified tuition reductions.

Disability Benefits: Claims Procedures: New claims procedures for disability benefits take effect April 1, 2018. The new rules will apply to claims filed on or after **April 2, 2018** (so, they apply to claims filed mid-plan year). Employers should note that the new regulations do not apply only to disability income plans, but to "ERISA-covered employee benefit plans that provide disability benefits," which could include, for example, certain retirement plans.

Association Plans: Proposed rules that would expand existing rules for association plans have been issued. They are now subject to a 60-day comment period, which ends March 6th. If ultimately approved, these rules would allow individuals and small employers to join together to bargain for coverage (large employers would also be able to participate, but they have less incentive to do so). By joining forces, these association plans are more likely to qualify for large group coverage, which could ease the coverage and rating requirements that currently apply to small group coverage.

(Editor's Note: Marilyn Monahan can be contacted at Marilyn A. Monahan, 4712 Admiralty Way, #349, Marina del Rey, California 90292; (310) 301-3300 (o) or email her at marlyn@monahanlawoffice.com. ##

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plement policies and procedures to address security incidents. FMC Duval and FMC Blue Island failed to implement policies and procedures to safeguard their facilities and equipment therein from unauthorized access, tampering, and theft, when it was reasonable and appropriate to do so under the circumstances.

In addition to the \$3.5 million monetary settlement, a corrective action plan requires FMCNA covered entities to complete a risk analysis and risk management plan, revise policies and procedures on device and media controls, as well as facility access controls, develop an encryption report, and educate its workforce on policies and procedures.

On February 13, 2018, HHS/OCR reported that Consequences for HIPAA Violations do not stop when a business closes.

A receiver appointed to liquidate the assets of Filefax, Inc. has agreed to pay **\$100,000** out of the receivership estate to the US Department of Health & Human Services (HHS) Office of Civil Rights in order to settle potential violations of the HIPAA Privacy Rule. Filefax, located in Northbrook, Illinois, advertised that it provided for the storage, maintenance, and delivery of medical records for covered entities. Although Filefax shut its doors during the course of OCR's investigation into alleged HIPAA violations, it could not escape its obligations under the law.

On February 10, 2015, OCR received an anonymous complaint alleging that an individual transported medical records obtained from Filefax to a shredding and recycling facility to sell on February 6 and February 9, 2015. OCR opened an investigation, which confirmed that an individual had left medical records of approximately 2,150 patients at the shredding and recycling facility, and that these medical records contained patients' PHI.

OCR's investigation indicated that between January 28, 2015 and February 14, 2015, Filefax impermissibly disclosed the PHI of 2,150 individuals by leaving the PHI in an unlocked trunk in the Filefax parking lot, or by granting permission to an unauthorized person to remove the PHI from Filefax, and leaving the PHI unsecured outside the Filefax facility.

Filefax is no longer in business. In 2016, a court in unrelated litigation appointed a receiver to liquidate its assets for distribution to creditors and others. In addition to \$100,000 monetary settlement, the receiver has agreed, on behalf of Filefax, to properly store and dispose of remaining medical records found at Filefax's facility in compliance with HIPAA. ##



Membership News

New Members and Renewals!



Upcoming Renewals for March & April, 2018

*OCAHU is proud to announce
the list of new members De-
cember 2017-January, 2018!*

WELCOME NEW MEMBERS!!!!

Anna	Anguiano
Jason	Grange
James	Hendon
Jason	Nurse
Cynthia	Ostrowski
Arlene	Sanchez
Scott	St. Clair
Dale	Washington
Jason	Watanabe

Lisa Diane Beck
Jeannie Bystrom
Phil Calhoun, MBA
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Ron Goldstein
Anna Grubbs
Irene Krinsky
Craig Lack, MBA
Dan Minahan
Karen Patterson
Mary Ramirez, CISR
Jeff Strong
Donna Templeton
Antonette Vanasek

New Member Focus Column!!

OCAHU would like to feature one or more new members in each issue of the COIN in our new column, "New Member Focus". In our inaugural column, we'd like to welcome new member Jason Nurse!

Jason has been with Health Equity as a Regional Sales Director for nine months. He's been in the industry, focusing on Pre-tax benefits, for 6 years. Jason joined OCAHU to stay on top of industry trends, network with others, and be a resource for those who need help.

Jason has told us that the most important thing about being a part of OCAHU is being able to help and educate others as the industry changes.

From all of us at OCAHU, welcome,

Jason Nurse!

If you're a new member and would like to be featured in this new column, please contact our Membership Department, or the COIN editor!



New Members Recruited At BDS! (continued from page 13)

- Peter Cunningham – Joseph Clarence Insurance Services, Inc.
- Strider Devaney – Joseph Clarence Insurance Services, Inc.
- Curtis Canett – Colonial Life\
- Ryan Ventura – Joseph Clarence Insurance Services, Inc.
- Joey Maioriello Jr – Joseph Clarence Insurance Services, Inc.
- Jackie Moss - Kaiser
- Michael Surrano -United American

Thank you!

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BDS Pictures



OCAHU's 16TH ANNUAL CELEBRATION OF WOMEN IN BUSINESS



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2018 OCAHU Pinnacle Award Winner

Andrew Torelli



OCAHU is proud to announce its 2018 winner of the OCAHU Pinnacle Award, which is awarded to a Past President who has continued to serve our industry and association. Mr. Torelli was honored at the OCAHU Business Development Summit on February 22, 2018 in Costa Mesa, CA.

Andrew Torelli is the area Senior Vice President for Arthur J. Gallagher, an Employee Benefit Consulting firm specializing in the creative design, implementation, and management of employee benefits for entrepreneurial service companies. Andrew focuses on employee benefits and business succession planning. He is a member of the BUILD Los Angeles Local Advisory Board, is an Editorial Advisory Member of the Employee Benefit Advisor, the 2010 United Benefit Advisors (UBA) Member of Year. He was featured in the Business Profiles section of

Forbes December, 2005. He is a past president of the San Fernando Valley Association of Insurance and Financial Advisors, and a Past President of OCAHU.

Andrew has been a frequent speaker for MS State SHRM Conference, NY HR Accounting Firms Study Group, Business Professionals of America, EFCG Conference, WEB Conference, UBA Principals Forum and EBA Annual Benefit Symposium.

Andrew has a Master of Science in Financial Services (MSFS) from the American College.

Congratulations, Andrew Torelli! ##



Single Payer is Not Dead!

Wait Until You See What They Are Up To!

Update By: Dorothy Cociu, RHU, REBC, GBA, RPA, OCAHU V.P. of Communications

In case you were thinking we're safe... everything's going to be fine... you may want to think again. And perhaps open your eyes a bit wider to see what's going on around us.

As we discussed with attendees in the December, 2017 meeting update, Single Payer is anything but dead. In fact, the grassroots efforts to support it are stronger than ever. We have two different fronts working on Single Payer in Sacramento; the SB 562 legislative push and the Ballot push. This is far from over!

Rob Semrow mentioned in his Legislative Update that you need to look at the website he mentioned, www.healthycaliforniaact.org, as you may not be aware of the activities that are happening right now!

Some of our board members are on the distribution lists and have received incredibly disturbing emails (disturbing, that is, to everyone in the insurance industry; the agents, the carriers, and even physicians), which are calls to arms from their grassroots organizers and volunteers.

They have chapters in nearly every county, and say on their website that if they aren't in your county, they'll organize one.

Health Care for All is asking supporters to take action and fight the fight.

As you'll recall, on February 17, 2017, just over a year ago, Senators Ricardo Lara and Toni Atkins introduced SB 562, The Healthy California Act. Advocacy for this bill is led by the Healthy California Campaign, which is composed of the AllCare Alliance, the Campaign for a Healthy California (CHC), and Labor United for Universal Healthcare.

They are asking their supporters to take action by 1) Connecting with HCA (ie, become a member and donate funds, as well as volunteer with your local chapter or start your own; 2) Inviting a speaker and hosting

a party with neighbors, family, friends and colleagues, or getting them a spot on the meeting agenda of your club or church groups; 3) Sending letters/emails and/or make phone calls; 4) Getting the word out by putting together your own personal list and forwarding information to your contacts when there is important news or they want you to act; 5) Seeking endorsements by asking businesses, city councils, school boards and prominent individuals in your community to endorse SB 562. They have created sample endorsement letters, a sample endorsement resolution, and a guide to the endorsement process with a web link; 6) Arranging a screening of a healthcare film. They are promoting "Now is the Time," which is available to purchase on DVD or available from the movie's website. They will even let you borrow it for your chapter; 7) Staying up to date by connecting with them on Facebook and Twitter.

They also have a California Education Fund, which is a nonprofit 501(c)(3) educational organization dedicated to expanding knowledge and understanding of healthcare in California. They are seriously soliciting donations, which are tax deductible. The entire focus is to educate the public about the advantages of universal healthcare financed by a single payer mechanism.

Seriously, you need to check it out. You need to go to their website (which we've been suggesting you do for months) and really see it, understand it, and hopefully, give you motivation to help us fight this.

If any of you don't believe that this is a serious threat to us, you need to check this out for yourself.

If you don't have time to go to their website right now, make a mental note to go later, but in the meantime, take a look at page 24, as I've copied and pasted an ACTUAL EMAIL that they recently sent out to gather support. You won't believe it until you see it. So look at page 24 now! Then come back and finish this article!

Continued on page 26

Actual Email Text from A “Volunteer for SB 562 From Home” Campaign!

Below is an actual email message received by some of our board members, who have signed up for the Healthy California updates, to keep tabs on what is happening. Please read the below to see how serious this matter really is!

From: Healthy California <info@healthycaliforniaact.org>

Date: January 25, 2018 at 7:09:56 PM PST

To: XXXXXXX (deleted for obvious reasons!)

Subject: Volunteer for SB 562 from Home - Help Us Send Texts and Make Calls!



Dear XXXXX,

Over the past few months, volunteers have led canvasses in every Assembly District in the state. These canvasses have reached tens of thousands of Californians and generated substantial pressure on the Assembly to move SB 562 forward.

But to win this fight, we need to build an even bigger grassroots movement. And to do that we're going to need a lot of help. We're starting two new volunteer teams that will enable you to help us scale the program up from home. To join, all you need is a computer and access to the internet.

No matter where you live, you can volunteer to support activists on the ground. Click here to sign up.

Right now we need help on two major teams:

1) Call Team - Volunteers all across California are signing up to attend these canvasses every weekend. Each week on Fridays and Saturdays, we give them a call to confirm that they have the address and know what to bring. These reminders help significantly increase the number of people who follow through and attend our canvasses.

2) Text Team - We use a targeted texting software that allows you to send large amounts of texts very quickly from your computer. We use this tool to recruit canvassers for events, and also to identify support for SB 562 in the community.

Our first big project for both of these teams will be calling and texting the hundreds of supporters attending the Select Committee Hearing in Sacramento on February 7th, so we need all hands on deck!

[Sign up here to join one of our SB 562 volunteer teams](#)

We'll follow up with you about next steps for the team you sign up for. And of course, if you live in California and also want to host a canvass, fill out [this form](#) and we'll get you looped in.

As always, feel free to email us back at questions@calnurses.org with any questions.

Thanks for joining us in this fight for justice.

Are You a Little More Worried Now?

Please contribute to CAHU PAC to help us fight this battle!

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January, 2018 Meeting Photos



More photos page 17

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Single Payer Is Not Dead....continued from page 23

What can we do to fight this? Go to their website and see what they are "selling" to the public at www.healthcareforall.org. If you're a member of OCAHU/CAHU, read what we send out to you in the COIN, in emails, etc. Come to meetings and bring others you know in the industry that may not be members. If you're not a member, you need to become members! Listen when Rob Semrow gives updates and when we do panel and other presentations here at OCAHU, as well as CAHU, on single payer.

Most importantly, ***talking to each other is preaching to the Choir. We know this would be bad for California, but other***

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##

Single Payer, continued

consumers don't! Talk to your clients, talk to employees at open enrollment meetings, talk to your church groups, rotary clubs, professional associations and other groups.. They are! So we need to, now!

We need to have a single voice, use the same message. Rob Semrow, Juan Lopez, Ryan Dorigan and I have had now 3 meetings on this... and we'll continue to. Rob can give you talking points, or you can find them on the CAHU website. CAHU has provided us with a ton of helpful material. Use it! If you need a speaker at a meeting, contact one of us! Health Care For All is doing it all over California! We need to also!

Most importantly, give to CAHU PAC! We need funds to fight this fight, or we'll all be out of jobs, and California will be in a single payer mess! We all know how much this would cost, but these grassroots efforts from the opposition aren't talking about cost. They are talking about how great it would be to have a universal, single payer healthcare system. They are not mentioning the fact that it would cost over \$400 Billion dollars, more than double our current entire state budget!

If you don't know how to do that, go to the CAHU or OCAU website, or contact Joe Partise (contact info on page 20).

Let's work together to fight this fight, and win! ##



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For Additional OCAHU Sponsors, See Page 25!

- THE C.O.I.N. -

Please join us at our events!

SCHEDULE OF EVENTS:

March 13, 2018; Legal Update, Marilyn Monahan, Esq., **Leave Laws & Benefits (Consumer Education Program—bring your clients!)**, **1 Hour of CE**, Carlton Hotel (formerly the Radisson Hotel), Newport Beach, 11 am—1 pm

April 3, 2018; Benefits Tech Certification, provided by NAHU, Kaiser Permanente Medical Center, 3430 E. La Palma, Anaheim

April 16, 2018 OCAHU Charity Golf Tournament, Alta Vista Country Club (see ad page 8)

May 8, 2018, Ethics (course number to follow), **1 Hour of CE**, Carlton Hotel (formerly the Radisson Hotel), Newport Beach, 11 am—1 pm

June 1, 2018, Women In Business, Balboa Bay Resort, 9:30-2. Proceeds support New Hope Grief Support