

Dear City Council Members:

On 10/27/22, oral arguments were heard by the Appellate Division, First Department, from an attorney advocating for the City's then current Medicare Advantage plan, and an attorney who advocated for the right of City retirees to keep traditional Medicare and premium-free secondary health care, which we have had since 1967 when Admin Code 12-126 was instituted by your predecessors.

In the course of an exchange, one of the Judges said that a Medicare Advantage Plan would hurt retirees with cancer. That judge was speaking directly for me and, unfortunately, for many other City retirees, workers, and their families who may experience this disease at some point in their life. In September 2020, I was diagnosed with cancer and since then have undergone surgery, chemotherapy, and periodic monitoring that continues to this day. I have relied on traditional Medicare and Senior Care since receiving my diagnosis and treatment at Memorial Sloan Kettering, and

have never had to be concerned about the cost of my care. My medical bills have been almost entirely covered. My only concern has been my health. In addition, I have never been required to get pre-authorizations for any procedures. I have a direct relationship with my oncologist, and everything ordered comes directly from her. This should be the norm for all health care, but it is not the norm for Medicare Advantage plans.

Memorial Sloan Kettering does not accept Medicare Advantage plans and I am terrified by the prospect of your voting for a bill that would amend Admin code 12-126 and allow the Mayor to put all City retirees into a Medicare Advantage plan. Because my health requires that I get the best possible care, I would have to opt out. But it feels like a betrayal to have to start paying for a benefit that I was promised 30 years ago when I started teaching at CUNY. It imposes a financial burden that a senior should not have to assume at this stage in life. It makes retirement financially less secure, especially since there is no guarantee that the

cost of the premium won't increase over time. Still, in this situation, I am more fortunate than most. Many City retirees and workers will not be able to afford the premium. They will be the ones who are put into the Medicare Advantage plan if it's allowed to move forward. They will be the ones who will likely receive delayed and inferior care and experience poorer outcomes, especially with life-threatening diseases like cancer. And for City retirees who move to other states after retirement, unless they can afford to opt out of a NYC Medicare Advantage plan, their situation will be untenable, since it will be difficult, if not impossible, to find local doctors and hospitals that accept a NYC plan. For all groups of retirees, and for active workers too, a NYC Medicare Advantage plan will impose significant hardships and it should not be allowed to replace the health care that we have now.

I never imagined that the mayor of my city and the unions who are supposed to champion the well-being of its members would instead collude together and devise a plan that betrays City

retirees and workers and that will further entrench the divide between the haves and the have not's who live in our city. It's a plan that seeks to hide the short-sighted, deceptive way in which some unions sought raises for their members by incurring a debt to the City, and that the City is now using as a trade-off to free itself from paying for the health benefits it owes, and should owe, to City retirees and workers. It's an attempt for a quick fix that heedlessly ignores the harm it will inflict on people and also ignores alternative suggestions that would provide for sounder, long-term solutions that address our City's fiscal issues.

The effort by the City to have you amend Admin Code 12-126 is a thinly disguised effort to have you, the City Council, be responsible for the harm that will follow. It is not something you have to do, despite the effort by an arbitrator to make it seem otherwise. It's a shabby, deceitful, unworthy business that's being engaged in, but you do not have to be complicit in any of it. You can do the right thing and

simply not pass this law that amends Admin Code 12-126.

I thank you for your time in listening to my testimony and hope that what I have shared will persuade you to take **No** action that would amend this code.

Sincerely,
Karen L. Anderson, CUNY faculty retiree

Yes, please call his office as well as emailing him. Try to speak to someone who is familiar with the bill; the person we met with, for example. I don't have time to look up that name right now.

Use this as your template for what to say:

The Council should defer action on Int. 874. It is best to call the Mayor's bluff: let him do what he claims he will do: put all retirees into the Aetna "Advantage Plan." He cannot do that legally, and he knows it, which is why he is coming to the Council to give him cover. If he does it, we will sue and we will win. If we don't win, the Council can always change the law to actually protect retirees (which is not what this bill does).

The MLC says that Int. 874 is necessary to enable the unions to bargain for "choice" in health care benefits, and that is not true: the MLC and the City can bargain right now, and should do that.

It is the current law, which has been around since 1967, which protects "choice" of health care plans for current employees like you and for retirees, and requires the City to pay for your health insurance and mine, up to a cap provided for in 12-126.

Int. 874 creates "classes" of employees and retirees (what does that even mean?) which would have their health insurance benefits capped at different amounts for each "class." This creates "haves" and "have nots" and enables the Mayor and the MLC to change the classes at any time. Why would the C.M. want to give the Mayor and the MLC that power? Prior mayors have tried to change 12-126 several times in the past and the Council always resisted. The C.M. is being given a false narrative when the Mayor and the MLC claim that "the arbitrator" has given the City a "deadline": there is no deadline to act, and the Council should defer consideration of Int. 874 and have retirees and other stakeholders sit down and come up with ways to save the City money on health care.

On Thu, Jan 5, 2023 at 10:23 AM Karen Anderson <karenlinna47@aol.com> wrote:

Thanks, Sue. I haven't yet written to my CM (Shaun Abreu) but will do so soon. What do I ask him to do? Please delay this vote? Please take whatever actions are needed to delay a vote on this bill? And at this point, is that all that we want to ask our CM's to do?

Part of me is getting annoyed by my own questions (as I imagine you may be too!) On the other hand, I think it's reasonable and wise to ask exactly what one wants from someone in power and to know whether and how they can do it.

Again, please don't take your time away to respond to me at the expense of other more important work, including some downtime for yourself! Be well! Karen

-----Original Message-----

From: Sue Dodell <suedodell@gmail.com>

To: Karen Anderson <karenlinna47@aol.com>

Sent: Thu, Jan 5, 2023 9:32 am

Subject: Re: Your response and sorry my response is again so long...

If they delay the vote, then the Mayor claims he will go ahead and put us into an Advantage Plan involuntarily with no option for any other plan. (I don't think he will do that, but that is his threat). Then we can sue the Mayor and likely win in court as we have before. And even if we lose, the Council can always change the law to protect us. But if the Council changes the law now, it is much less likely that we will win in court.

On Thu, Jan 5, 2023 at 9:21 AM Karen Anderson <karenlinna47@aol.com> wrote:
Thanks for clarifying what the PSC proposal effectively does. Too bad...

As for what the Council can do, I'm wondering how delaying a vote would make it more likely to be defeated. But don't feel compelled to answer that or any of my many questions. I know you are engaged in critical work and I don't want to take your time away from that!

-----Original Message-----

From: Sue Dodell <suedodell@gmail.com>
To: Karen Anderson <karenlinna47@aol.com>
Sent: Thu, Jan 5, 2023 3:57 am
Subject: Re: Your response and sorry my response is again so long...

There's a lot of stuff going on now that I would rather not go into. But yes, the Council could delay voting on this at all, which is the best thing. As to the PSC proposal, our organization does not support it, I'm familiar with it and it essentially is robbing Peter to Paul, taking from one fund that benefits us to cover another fund. It just kicks the can down the road, which is not something we want to support.

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On Thu, Jan 5, 2023, 12:50 AM Karen Anderson <karenlinna47@aol.com> wrote:

Hi Sue - Thanks so much for your response. I had labored over my first email to you, and then after I sent it and cleared my head, the light dawned about why you were asking NYC relatives to speak for out-of-staters... I saw the forest for the trees!

It seems hard to believe that the Mayor could force people into an MA plan without an opt-out provision. It seems blatantly illegal for everyone, but especially, as you've noted, for its impact on out-of-staters who would, in effect, be left without any

coverage, since no one where they live might accept a NYC MA plan... . And yet this is ironically good, as you say, for any litigation that would follow if Admin 12-126 stands! I guess Adams knows that too, which is why he is trying so hard to foist this whole issue onto the City Council. Boy, this is getting heart-in-throat scary!

In the meanwhile, the PSC, is asking us to call our CM's and ask them to vote for a proposal they've put forth. Have you seen it? I will forward the latest email from James Davis, the PSC's president. I actually haven't read it yet, but understand both their effort to offer something positive to vote on and your effort to have CM's simply refuse to participate "in this illegal effort to force Medicare Advantage on retirees." You have said that Scheinman's recommendation on Admin code 12-126 "does not require the mayor or the Council to do anything." But what does "not doing anything" look like when a CM is confronted with a bill they're being asked to vote on? If a vote is conducted, CM's will likely vote, which is why the PSC is offering an alternative.* But to follow your idea, perhaps Council Members should actually do something more radical and challenge having the vote take place in the first place. I think that all who support us need to filibuster the situation so the vote is prevented from taking place. Can we ask that of our CM? Perhaps not...? In some way voting on the bill needs to be permanently denied and I don't know how that could happen and how to ask for that... So, unless voting is permanently prevented, I hope this amendment is voted down. In the case of a vote, I don't want CM's to then do nothing, as we've asked. When their name is called, I want them to vote against this bill. I don't want them to abstain which I hope is not how some interpret "not participating". If they abstained, that might leave the outcome to a small group who favor the bill.

I am tired, and I hope I make some sense, but could the mutiny actually take place tomorrow and could CM's prevent the bill from being introduced in the first place, since it is, as you have pointed out, not in any way mandated. Or after it's introduced, could CM's vote to not consider it? That would stop this whole thing at its source and then there'd be no need to try to prevent a vote and no need for a vote... I like this idea best of all but am sure it's not likely to happen. Oh well, I can dream, which is what I think I should really try to do now since it's very late... Thanks for listening, if you do! (and I don't blame you if you don't!). Till later - Karen

* To be voted on, wouldn't their ideas need to be put forth as a bill... and would it be put forth as a competitor to the bill CM De La Rosa plans to introduce? I'm not sure how this would work. I have to talk with someone about this... Not that I'm favoring this over your plan to have CM's "not participate" if that means the whole thing is scuttled...