

FEBRUARY 2022



Academic Year 2021-22 No. 4

[psc-cuny.org/retirees.org](http://psc-cuny.org/retirees.org)

## VIRTUAL CHAPTER MEETING MONDAY, FEB. 7. 1 PM

The meeting will focus on **healthcare**.



**Welfare Fund benefits.** Donna Costa, executive director, and Patrick Smith, communications director, will provide an overview of Fund benefits.

**An analysis of the proposed retiree healthcare changes.** We'll provide some history and context for the

proposed move of NYC retiree healthcare benefits from traditional Medicare to a privately administered Medicare Advantage plan. Discussion will follow. **Speakers: Josh Freeman** on the labor movement and healthcare; **Barbara Caress** on the history of healthcare negotiations between the Municipal Labor Committee and NYC. Freeman is a distinguished professor of labor history (CUNY Graduate Center/Queens College) who has written extensively on U.S. and NYC labor. Caress teaches healthcare policy (Baruch/Sarah Lawrence) and is a consultant for the PSC.

**Updates** on the status of retiree healthcare changes.

Register for this Zoom event at:  
[https://us02web.zoom.us/meeting/register/tZEvcu2grDsuHNTIke\\_LkCP5W0vasJYI6IOP](https://us02web.zoom.us/meeting/register/tZEvcu2grDsuHNTIke_LkCP5W0vasJYI6IOP)

## BLACK HISTORY MONTH: TWO VIRTUAL EVENTS

-- Marcia Newfield BMCC & former PSC VP for Part-time Personnel

**FILM — MONDAY, FEBRUARY 7,  
6:00 - 7:15 PM**

**The Power to Heal: Medicare and the  
Civil Rights Revolution**

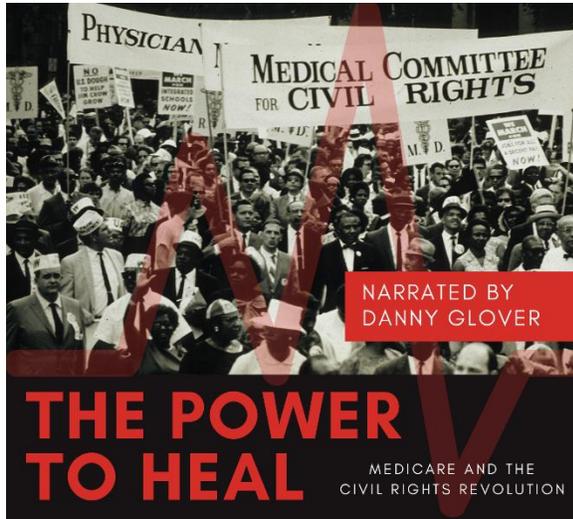
**PANEL DISCUSSION— WEDNESDAY,  
FEBRUARY 16 — 6:00 - 7:15 PM**

**Organizing the Black Medical  
Community: Past, Present and Future**

*(Both events are co-hosted by the PSC Retiree Chapter and the New York Labor History Association, and co-*

sponsored by NYU Tamiment-Wagner Collection and LaborArts.)

It has become a tradition to celebrate Black History Month by lauding the accomplishments of great heroines and heroes—people whose artistic, scientific, and humanistic efforts are models to emulate and honor.



It's not so common to document the details of the racism that contaminated (and continues to contaminate) whatever ideals we espouse. The New York Labor History Association, chaired for two decades by our own Irwin Yellowitz, and the PSC Retiree Chapter and its Anti-Racism Committee, are co-hosting two events that provide insight into the conditions that many of our colleagues lived through. Before the passage of Medicare and the Civil Rights laws initiated by President Johnson in 1964, hospitals were not obliged to offer anywhere near equal treatment to African Americans. But these new laws required that hospitals desegregate to get Medicare money. Black professionals and grassroots activists, and the eagerness of hospitals to get

federal money, got the hospitals to comply. **"The Power to Heal: Medicare and the Civil Rights Revolution"** is a one-hour film documentary, produced in 2018 by Dr. Barbara Berney, emeritus associate professor at the CUNY Graduate School of Public Health. It was aired on PBS and illustrates the struggle, the resistance, and the conditions that advocates worked to overcome, not the least of which was the opposition of the American Medical Association. Thousands of hospitals managed to change. Dr. Berney will be available after the film to chat and answer questions.

Inspired by this film, we are also hosting a panel discussion on Wednesday, February 16th, to explore organizing in the Black medical community. Most white people, including progressives, are not aware of the extent and depth of these efforts. The panel: **Organizing the Black Medical Community: Past, Present and Future**, will explore the origins, challenges, and future visions of prominent leaders, especially the concept of collaboration among groups. Panelists include:

Dr. Donald Moore, president of Provident Clinical Society, the Brooklyn Affiliate of the National Medical Association (NMA) and a Board Member of Physicians for a National Health Program-Metro (PNHP), will be moderator. The panelists will be Dr. Doris Browne, 118th President of the National Medical Association (NMA), Dr. Julius Johnson, president and founder of Greater NYC Black Nurses Association, and Lystra Sawney, vice president of a new organizing department of SEIU Local 1199 focused on home health care workers.

Dr. Browne has said, "We must know our history if we are to move forward and not be destined to repeat some of the atrocities of the past." Dr. Johnson agrees, saying, "I think we should address past issues and how we plan on addressing them through collaborative approaches in the future." There is currently bi-partisan support in the NY State Legislature for a Fair Pay for Home Care Act.

There will be time for Q&A. Hopefully, we will all be enlightened and energized by the conversation. ■

## UPDATES ON RETIREE HEALTHCARE

*Here are the most recent and relevant updates on the moving target of our changing retiree healthcare. You can find updated information at: <https://www.psc-cuny.org/whats-happening-retiree-healthcare>*



### JUDGE DELAYS RETIREE HEALTHCARE SWITCH TO

**APRIL:** The City planned to have its Medicare Advantage Plus (MA+) plan in place on January 1, 2022. In a court order, made public at 5 PM on Tuesday, December 14, Justice Leon E. Frank in

effect said **NOT SO FAST**. He extended his injunction, pushing back implementation of the Medicare Advantage Plus plan to April 1, 2022 and the opt-out date to March 31, 2022.

The order was in response to the lawsuit brought by the [NYC Organization of Public Service Retirees](#).

Judge Frank wrote that his "preliminary injunction will remain in effect until" the City and the Medicare Advantage vendor, The Alliance, satisfy "the following conditions:"

1. "The effective date of the Medicare Advantage Plus Plan (the "Advantage Plan") shall be April 1, 2022, with the opt-out period to end March 31, 2022. However, there will be a continuing opt-out period until June 30, 2022, even while the Advantage Plan is in effect;"
2. "Respondents shall send to all retirees a letter containing a list of the corrections and additions made to the previously sent Enrollment Guide as discussed between the parties, on or before January 7, 2022. The letter must contain information on how a retiree can obtain a corrected Enrollment Guide free of charge, and the specific web addresses where the corrected Enrollment Plan may be seen; and"
3. "Respondents must ensure that there only be one set of deductibles in the calendar year 2022 for all retirees."

In addition, in order to clarify which medical providers accept the MA+ plan, the judge ordered the City to report bi-

weekly on “how many medical providers have been contacted personally regarding the plan...[and] how many medical providers in such areas have yet to be personally contacted about the plan, and how and when those additional medical providers will be contacted.”



**The City’s “The Dog Ate My Homework” Defense:** Judge Frank clearly rejected the City’s contention before his court that it could not send out a new enrollment guide to correct many errors in the original because of “[a global paper supply shortage](#).” He ordered that the City and vendor correct the enrollment guide and provided a three-month window for retirees to evaluate the corrected material and make a choice to opt-in or out. In sum, then, the judge’s order:

- Keeps the premium-free MA+ plan in place, but delays implementation at the earliest until 4/1/22
- Sets 3/31/22 as the opt-out deadline, but also ordered an opt-out option until 6/30/22 for those

enrolled in the MA+ plan who decide they want to leave it.

- Guarantees that retirees will pay only one annual deductible in the “calendar year 2022.”
- Instructs the City to notify all municipal retirees of errors in the original MA+ material, telling them how to obtain a corrected enrollment guide.
- Monitors bi-weekly the City’s (and vendor’s) individual outreach to medical providers, ostensibly (1) confirming whether or not these providers will accept the plan and (2) producing an accurate list of participating providers.

Bottom Line: If the judge’s order stands, retirees will continue with City coverage premium-free until March 31. For over 90% of municipal retirees this means traditional Medicare with NYC Senior Care (Emblem) as their secondary insurance. Click [here](#) to read the judge’s order.

[Here is a link](#) to an article on the judge’s decision.

### **EMBLEM’S COPAYS FOR NYC**

**SENIOR CARE:** The somewhat good news from the judge’s chambers was tempered by a “Dear City of New York Retiree” letter from Emblem Health announcing previously negotiated copays that took effect on January 1 for those currently on the GHI/Empire Blue Cross Blue Shield Senior Care plan. The vast majority of PSC and NYC retirees have Senior Care as their supplementary insurance to traditional Medicare.

Emblem listed a host of services and procedures for which there will be a \$15

copay. It then informed recipients that “this is not a full list of services with a copay.”

The NYC Office of Labor Relations (OLR) and the Municipal Labor Committee (MLC) negotiated the copays PRIOR to their agreement to move most NYC retirees from traditional Medicare to the privately administered Medicare Advantage Plus plan. The copays were scheduled to go into effect much earlier, but implementation was delayed until 1/1/22. We alerted members at our December chapter meeting of the impending copays. Advance notice, however, doesn’t make them more palatable. The reality is that those opting out of MA+ and remaining on Senior Care will soon confront copays on top of a premium for a plan that was once premium-free.

Emblem’s “Dear City of New York Retiree” letter concludes with the hollow sentence “We’re committed to supporting you.”

The support we need is not Emblem’s, but that of multiple retiree and union voices pressing the new mayoral administration and the courts to reverse the copays and the move to privatized Medicare. A daunting task, but one we must pursue.

**JANUARY 12 LETTER TO MAYOR ADAMS:** The PSC sent a letter on January 12 to Mayor Eric Adams noting that “active members and retirees—who oppose the further privatization of Medicare—were filled with hope when you expressed skepticism about the proposal several months ago.” The letter made a simple and direct ask: “The PSC calls on you to carefully

examine and reconsider the previous administration’s decision to convert premium-free health insurance for New York City retirees from traditional Medicare to a Medicare Advantage plan (MA+).”

The letter pointed to PSC President James Davis’s testimony at a hearing conducted by the NYC Office of Labor Relations, which highlighted serious flaws in the City’s contract with the MA+ vendor. Unlike standard MA contracts, the City’s agreement requires minimal accountability from the vendor. It also allows the vendor to make future changes in the plan without consulting with NYC or the Municipal Labor Committee.

The letter was signed by James Davis and Bill Friedheim, chairperson of the Retirees’ Chapter. You can read the letter [HERE](#).



Eric Adams was critical of the new health plan while campaigning in October, but since taking office has yet to make a public statement on the issue.

## ALLIANCE RELEASES PRE-AUTHORIZATION LIST



Many have already seen this disturbingly long list of pre-authorizations required for the MA+ plan, recently released by its Alliance sponsors. But in case you have not, [HERE](#) is the link distributed by the NYC Office of Labor Relations.

Included in the link is the following statement: “Below is a general list of services to help you know when prior authorization is required or when to ask your provider to request it. **Please note, this is not a complete list** and is provided as a guide to help you get the most out of your plan. Detailed prior authorization information is available for your providers.” [Emphasis added.] Below this statement is a list of 87 medical services and types of medical equipment. Chapter members are encouraged to examine this list carefully. Here are 10 selected items needing prior approval from the list of 87:

- Rehabilitation facility admissions

- Skilled nursing facility admissions
- Home health
- Pain management
- Nonstandard wheelchairs
- CT scan (including CT angiography)
- Echocardiograms
- PET scan
- Radiation (oncology)
- Psychological and neuropsychological testing

Listed regarding transplants:

- Prior authorization is required for Medicare-covered transplant admissions.
- Prior authorization required for Inpatient Services for 10 listed types of transplants

In response to questions related to prior authorizations, the Alliance statement says that “You aren’t responsible for asking for it [authorization] when you see a provider that accepts NYC Medicare Advantage Plus.” And “If you see an out-of-network provider, you can ask them to request it for you.” If authorization is denied, you always have right to appeal the decision. Among other MA plans, an average of about 40 percent of appeals are upheld and the requested service(s) delivered. In contrast, prior authorization is rare among those enrolled in Traditional Medicare.

## THE CROSS-UNION RETIREE ORGANIZING COMMITTEE

-- Jim Perlstein, BMCC

The Cross-Union Retiree Organizing Committee (CROC) emerged this past summer in response to the surprise late spring announcement that, come January 1, 2022, all municipal retirees

would be shifted from Medicare supplemented by NYC Senior Care to a private, for-profit “Medicare Advantage Plus” insurance plan, unless they opt out and shoulder substantial costs to retain current coverage.

Although this shift had been in the works since 2018, the parties to the arrangement, the NYC Office of Labor Relations (OLR) and the Municipal Labor Committee (MLC) had not seen fit to consult or even inform the 250,000 retirees and dependents affected.

As consternation spread, resistance mounted. Various formal and informal groups, circulated petitions calling for a moratorium, held demonstrations, organized forums, lobbied their unions and elected officials, and conferred with one other on alternatives to what appears certain to be an ever more costly and more restricted alternative to what we have now.

CROC came together word-of-mouth in an effort to see if union members could effectively coordinate opposition. This despite the fact that municipal unions themselves had disparate positions on the switch, some flat out opposed, some passionate advocates, others ambivalent or indifferent. A dozen or so folks from UFT, DC37, PSC, CSA, and MEA started weekly Zoom gatherings.

These meetings produced a number of demonstrations: a lower Manhattan march to various union offices, a “Die-In” at City Hall, New Year’s Greetings for the incoming Mayor at Brooklyn Borough Hall, and a prospective Valentine’s Day “Love-In” at City Hall

(February 14 at noon) urging Mayor Adams to call a halt to the impending switch and not break our hearts.

Lobbying elected officials, in person and through letter writing campaigns, has supplemented the marches and street theater. CROC has attracted considerable media attention and participation in its actions well beyond its original core.



PSC joined a march & rally in lower Manhattan last June.

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**TURNING THE PAGE** is a publication of the Retirees Chapter of PSC-CUNY, Local 2334 of NYSUT and the AFT. We welcome contributions from our several thousand members: articles of special interest to retirees, short essays on your activities during this period of politics and plague, and your comments on recent publications of interest. Our newsletter collective is made up of Michael Frank, Bill Friedheim, Joan Greenbaum and Dave Kotelchuck. Please write to us at [retirees@pscmail.org](mailto:retirees@pscmail.org) with ‘Newsletter’ in the subject line.