

HEALTH REFORM UPDATE



AMERICAN PUBLIC HEALTH ASSOCIATION

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March 23, 2012

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I. Happy birthday — Affordable Care Act marks two-year anniversary!

Friday, March 23, marks the two-year anniversary of President Barack Obama signing the Affordable Care Act into law. Since its enactment, the ACA has made important improvements to our health system: 54 million American families have additional benefits, including greater access to preventive health care services; 2.5 million young adults up to age 26 are able to stay on their parents' health insurance plans; nearly 18 million children with pre-existing conditions are protected from insurance coverage denials; 3.6 million seniors received 50 percent discounts on their drugs in 2011 as an initial step in closing the "donut hole"; and nearly 33 million seniors accessed preventive services now available without cost-sharing through Medicare. In addition, states and communities across the country are using more than [\\$4 billion granted in fiscal years 2010-2012](#) to improve the public health infrastructure, expand community health centers and school-based health centers, support and expand the public health workforce and test innovative approaches to reducing costs and improving health care quality. Finally, the law provides funding for public health education campaigns, and more than \$150 million has already gone to smoking-cessation efforts alone, including the Centers for Disease Control and Prevention's newly launched anti-smoking media campaign, [Tips from Former Smokers](#).

For an overview of the law as well as state-specific fact sheets on how your state is benefiting from the ACA, visit the [Healthcare.gov website](#).

II. Tell your members of Congress to support public health funding!

Recently, Congress passed and President Barack Obama signed legislation to temporarily delay a scheduled Medicare payment cut to doctors by using \$6.25 billion from the Prevention and Public Health Fund, which was created by the ACA, as an offset, a move [strenuously opposed by APHA](#) and other public health advocates. While efforts to stave off this proposal were unsuccessful, it is important that public health advocates continue to remind their members of Congress about the importance of the Prevention and Public Health Fund, as well as other critical public health funding, including funding CDC and the Health Resources and Services Administration. Please take the time to [send a message to your representative and senators](#) urging them to support and protect critical public health funding as Congress begins its efforts to craft the fiscal year 2013 budget and appropriations for public health programs and agencies.

III. Questions about the Affordable Care Act? Check out APHA's health reform resources

APHA has developed a number of materials to help APHA members, the general public and decision-makers better understand the prevention and wellness provisions contained in the ACA. Our issue brief, "[Prevention Provisions in the Affordable Care Act](#)," summarizes the public health and prevention provisions included in the new law. In addition, APHA produced a brief on the [public health workforce provisions in the ACA](#) as well as a [timeline of the implementation of public health and prevention provisions](#). Additional materials are available on [APHA's health reform website](#). Continue to check back for new and updated resources.

IV. Supreme Court set to hear oral arguments on the Affordable Care Act

On March 26, the [U.S. Supreme Court](#) will begin hearing three days of oral arguments on the constitutionality of several provisions of the ACA. The key provisions that are being challenged by both private interests and a number of states include the constitutionality of the individual mandate that would require most Americans to obtain health insurance and of provisions requiring states to cover uninsured individuals by expanding eligibility for their Medicaid programs. The challenges to the individual mandate were brought by the National Federation of Businesses and two private citizens who do not currently have health insurance. The challenge to the Medicaid expansion was filed by [Florida and 25 other states](#). A decision in the case is expected at the end of the court's term in late June.

V. APHA joins briefs in support of Affordable Care Act provisions

APHA has joined other public health organizations in signing on to two friend-of-the-court briefs supporting the ACA as the U.S. Supreme Court prepares to hear arguments from opponents and supporters as it considers the law's constitutionality. The court is scheduled to hear the case, State of Florida et al v. United States Department of Health and Human Services, March 26–28. The [first brief](#) is in support of the ACA provisions that expand the Medicaid program to cover millions of uninsured individuals. The [second brief](#) contends that the individual mandate, which would require all Americans to purchase health insurance, is severable and that if the court finds it to be unconstitutional, the rest of the ACA can remain active.

VI. Public still split on Affordable Care Act

The [latest poll released by the Kaiser Family Foundation](#) shows that the American public remains nearly equally divided in their views of the ACA. Forty-one percent of those polled in March had a favorable view of the ACA while 40 percent had an unfavorable view. As has been seen in previous polls, the majority of the public tends to favor provisions in the law that they were not aware of once they are explained to them, such as tax credits to small businesses, the ability to appeal health plan decisions and no-cost sharing for preventive services. Conversely, the provision the public is most aware of, the individual mandate, is also the law's least popular provision. Regarding the upcoming Supreme Court case, 51 percent of the public believes the court should strike down the individual mandate while 53 percent actually expect that the court will find the mandate unconstitutional.

VII. Health groups develop consensus on community health needs assessment

Earlier this year, APHA worked with several other national public health organizations to develop [consensus recommendations](#) for implementation of the ACA's new community health needs assessment requirement. This new requirement stipulates that nonprofit hospitals must conduct a community health needs assessment every three years as part of their community benefits operations, and develop an implementation strategy to address those needs. Furthermore, by statute, the community health needs assessment should take into account input from public health experts. As national organizations representing various parts of the public health system, APHA, along with the Association of Schools of Public Health, Association of State and Territorial Health Officials, National Association of County and City Health Officials, National Association of Local Boards of Health, National Network of Public Health Institutes and Public Health Foundation have released new recommendations to help ensure that the needs assessments draw on the expertise of public health professionals and public health agencies, and build on existing local and state needs assessments.

VIII. Update on contraceptive coverage under the Affordable Care Act

The ACA requires insurers to offer recommended preventive services to beneficiaries without cost sharing. This provision is already in effect for the majority of services it covers, such as childhood vaccinations; screenings for diabetes, cancer and heart disease; and more. In August 2011, the Department of Health and Human Services released initial guidance on the final category of services to be covered under this provision: women's health services. Based on the recommendations of the Institute of Medicine, HHS announced the provision will require insurers to cover contraceptive services, among other women's preventive services. After objections from some religious employers, President Barack Obama announced a compromise proposal that would require insurers, not religious and religiously affiliated employers, to pay for the coverage.

On March 21, HHS published a [proposed rule on the issue](#) in the Federal Register seeking public comments in advance of final rulemaking. The proposed rule emphasizes that all women will have contraceptive coverage, regardless of where they work, while proposing ways to address the concerns raised by religiously affiliated employers not exempted under the original recommendations. At the same time, HHS also released a [final rule on student health coverage](#), stating that contraceptive coverage rules still under development will also apply to students of religious colleges and universities, not just their employees. However, schools that self-fund their plans will not have to offer the coverage to students. (It's still unclear how employers that self-

insure will be treated.) The coverage is scheduled to go into effect in August 2012, but religious employers and schools are exempt until August 2013.

The 90-day commenting period ends on June 19. Interested individuals can submit comments online through the [Regulations.gov website](#).

IX. Registration is open for APHA's Midyear Meeting

Registration is now open for APHA's Midyear Meeting, "The New Public Health — Rewiring for the Future," to be held June 26–28, 2012 in Charlotte, N.C. The meeting will discuss the opportunities and challenges in today's public health system, and how to keep up with and anticipate changes to public health infrastructure. Topics discussed at the Midyear Meeting will include innovative programs, workforce development, health information technology, new funding strategies, public health messaging, integration with primary care and partnership opportunities. Registration information is available at www.apha.org/midyear.

X. Urge your senators and representative to cosponsor the National Public Health Week resolution

In the coming days, Sen. Jeff Merkley, D-Ore., and Rep. Lucille Roybal-Allard, D-Calif. will introduce the 2012 National Public Health Week resolution in the U.S. Senate and U.S. House of Representatives. APHA has created action alerts that you can use to contact your [senators](#) and your [representative](#) asking them to cosponsor the resolution. Please take the time to contact both your senators and representative to and ask them to cosponsor the resolution and show their support for National Public Health Week 2012!