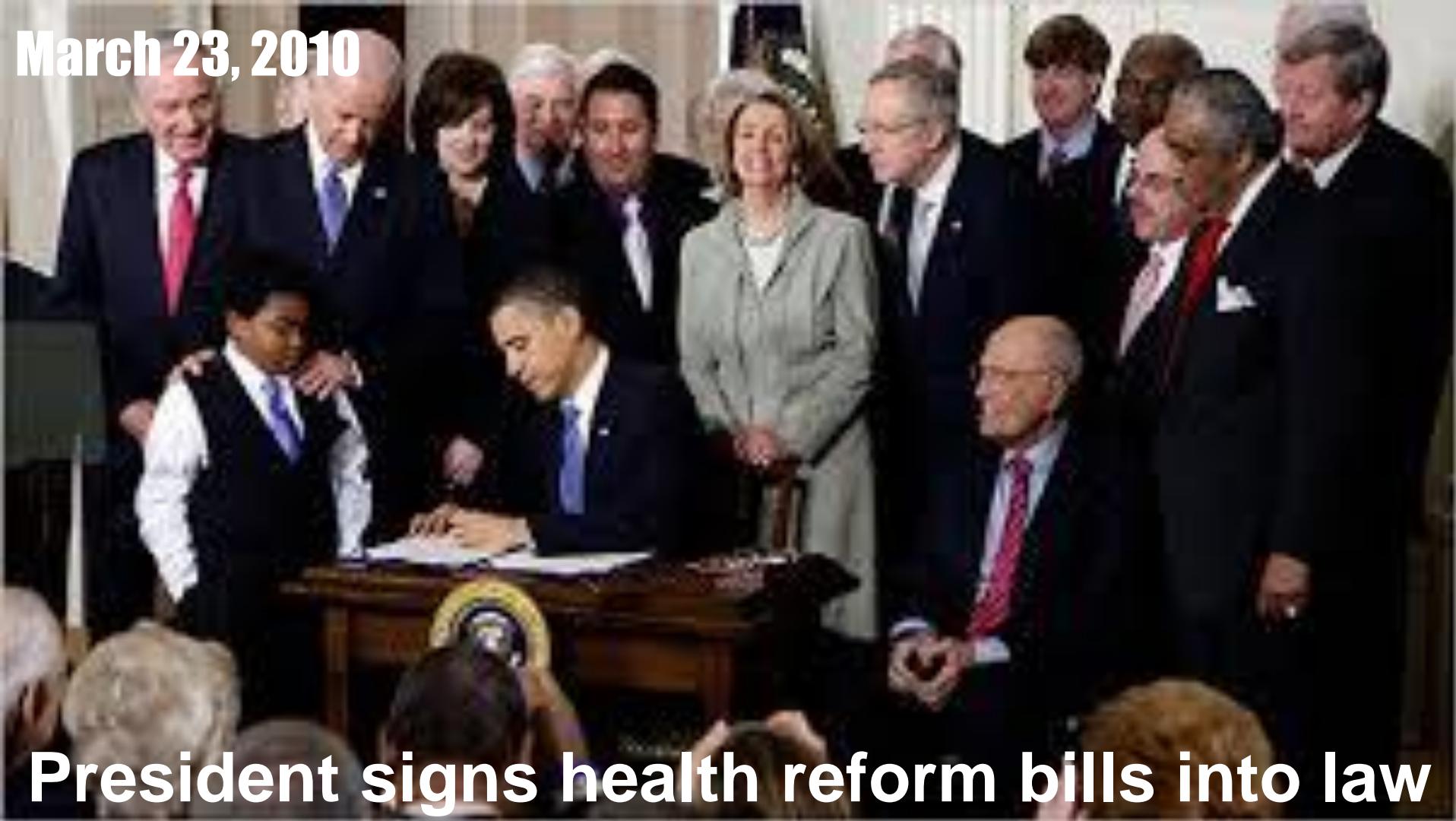


Module I

THE BIG PICTURE: OVERVIEW OF THE AFFORDABLE CARE ACT

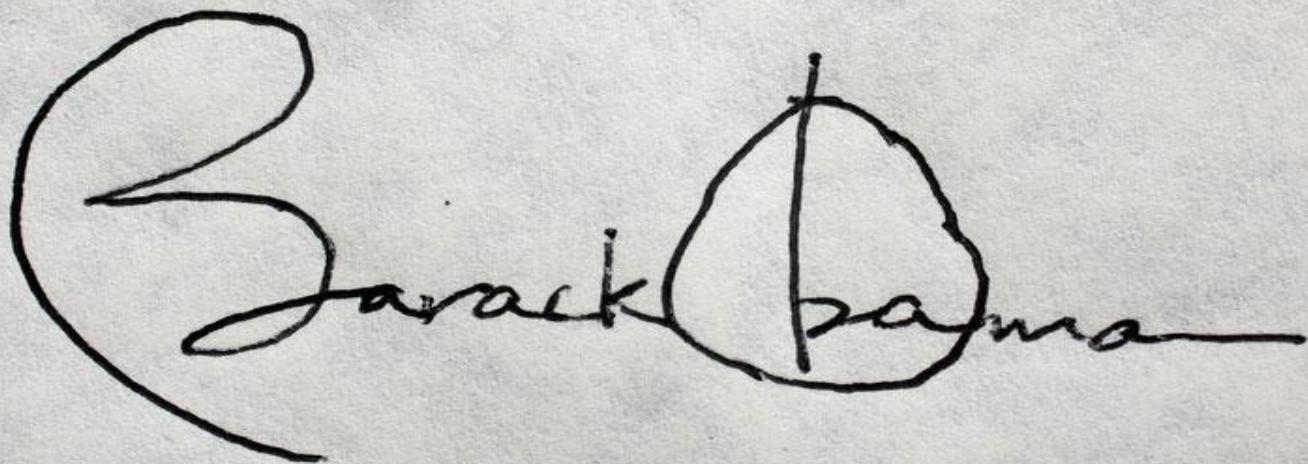
March 23, 2010



President signs health reform bills into law

APPROVED

MAR 23 2010

A handwritten signature in black ink, reading "Barack Obama". The signature is fluid and cursive, with a large, open loop on the left side enclosing the "B" and "a", and a smaller circle enclosing the "O" and "m" in "Obama".



"Today after almost a century of trying; today, after over a year of debate; today, after all the votes have been tallied, health insurance reform becomes law in the United States of America."

THE WHITE HOUSE



This is a big
f---ing deal!

DEVELOPING

BIDEN: MANY PEOPLE W

HISTORY OF HEALTH REFORM EFFORTS IN THE UNITED STATES

1912

Teddy Roosevelt and his Progressive party endorse social insurance as part of their platform, including health insurance.



1930 – 1934

Hard economic times called for social policies to secure employment, retirement, and medical care. President Roosevelt appointed a committee to work on all these issues, but in the end did not risk the passage of the Social Security Act to advance national health reform.



SUPER Majority

Democratic Control of U.S. Congress

1933

Democrats

House...333

Senate...75

Republicans

House...89

Senate...17

1945

Democrats

House...242

Senate...57

Republicans

House...191

Senate...38

In 1933 the Democrats had a veto-proof super majority in both Houses of Congress. The practice of not reading legislation began with the New Dealers, who did not need a single Republican vote to enact any piece of legislation. In the first New Deal Congress the Democrats had a 245 vote majority. In the Senate, they had a 68 vote majority. In 1945, their lead in both Houses shrunk. The Democrats were down 102 House seats from 1933. In the Senate, they were down 11 seats from their 1933 number.

1935 – 1939

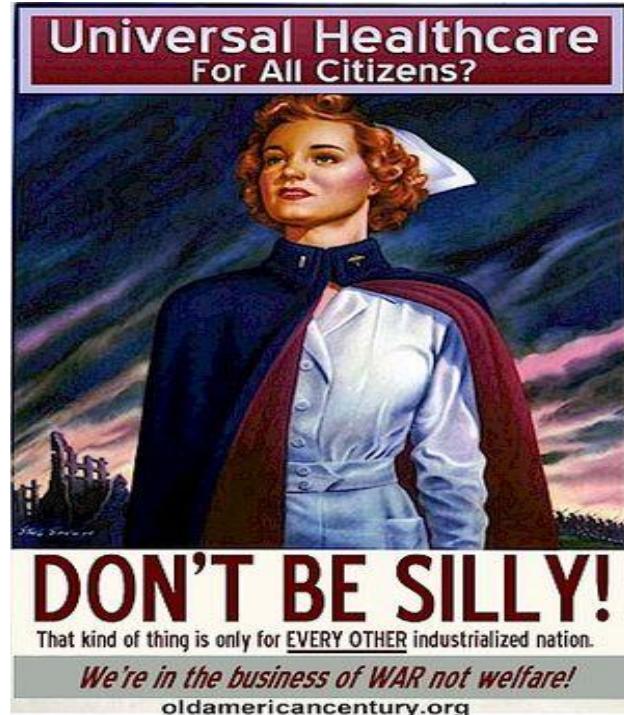
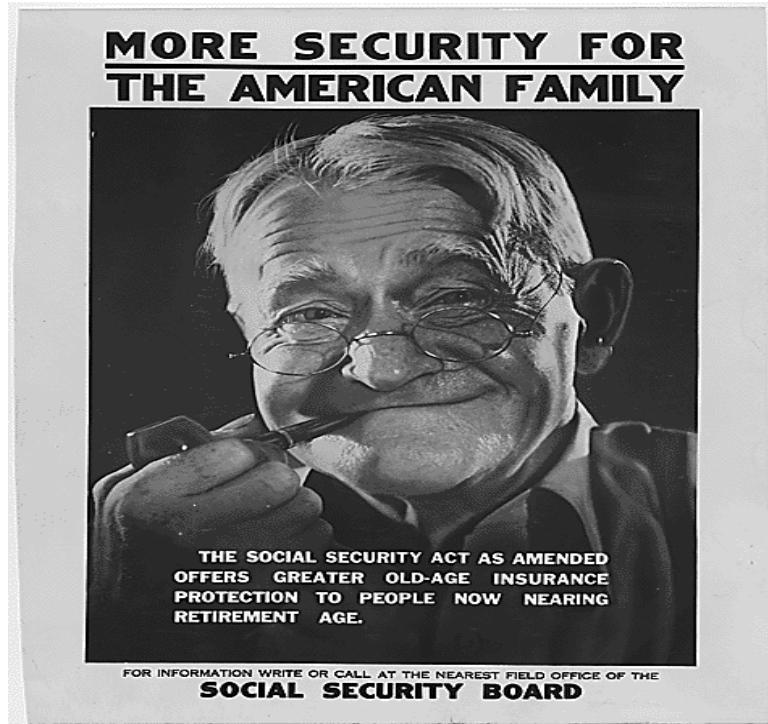
President Roosevelt continued to support national health reform throughout his terms. His second push for national health insurance came after the Social Security Act passed. However, the momentum from FDR's Technical Committee on Medical Care and a National Health Conference were not enough to overcome a Congress that was no longer supportive of further government expansions.

1944

FDR outlines 'economic bill of rights' including right to adequate medical care and the opportunity to achieve and enjoy good health in his State of the Union address.



1944



Social Security Board calls for compulsory national health insurance as part of the Social Security system.

1946

Truman sends health message to Congress. Revised Wagner-Murray-Dingell bill introduced to Congress again. An alternative Senate bill (Taft-Smith-Ball bill) authorizes grants to states for medical care of the poor. Neither bill gains traction.



1947

Truman, in another special message to Congress calls for a National Health Program. Wagner-Murray-Dingell bill and Taft bill both reintroduced.



1962

President Kennedy addresses the nation on Medicare that is televised from Madison Square Garden. AMA issues televised rebuttal.



1963

Kennedy sends special message to Congress on needs of the elderly. King-Anderson bill re-introduced.



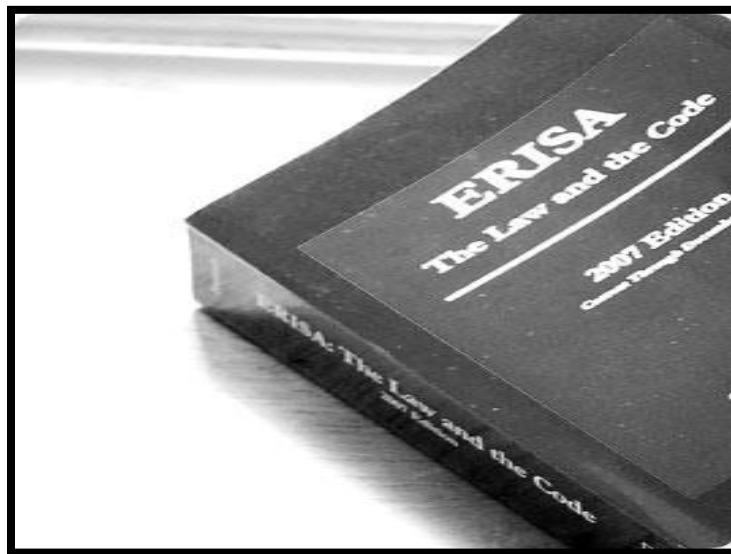
1965

1965 The Medicare and Medicaid programs are signed into law.



1974

Employee Retirement Income Security Act (ERISA) enacted. Exempts self-insured employers from state health insurance regulations. Hawaii's new employer mandate is given an exemption from ERISA.



1986

COBRA (Consolidated Omnibus Budget Reconciliation Act) contains specific regulations that allow employees who lose their jobs to continue with their health plan for 18 months.



1986

Emergency Medical Treatment and Active Labor Act (EMTALA) requires hospitals participating in Medicare to screen and stabilize all persons who use their emergency rooms regardless of ability to pay.



1993

Within his first week in office President Clinton convenes White House Task Force on Health Reform, and appoints First Lady Hillary Clinton as chair.



White House Task Force on Health Reform



Hillary Clinton, chair

1993

President Clinton's proposal, named the Health Security Act, is introduced in both houses of Congress in November, but gains little support. Every American would have a "Health Security Card" to ensure access to care.



1996

Health Insurance Portability and Accountability Act (HIPAA) restricts use of pre-existing conditions in health insurance coverage determinations, sets standards for medical records privacy, and establishes tax-favored treatment of long-term care insurance.



1997

Balanced Budget Act includes many changes in provider payments to slow the growth in Medicare spending. It establishes the Medicare + Choice program, a new structure for Medicare HMOs and other private plans offered to beneficiaries, later re-named Medicare Advantage in 2003.



1997

Also part of the Balanced Budget Act (BBA), the State Children's Health Insurance Program (S-CHIP) is enacted. Provides block grants to states allowing for coverage of low-income children above Medicaid eligibility levels. BBA also allows states to cover working disabled with incomes up to 250% of poverty, permits mandatory Medicaid enrollment in managed care and repeals the Boren amendment.



2003

Medicare Drug, Improvement, and Modernization Act (MMA) passes, creating a voluntary, subsidized prescription drug benefit under Medicare, administered exclusively through private plans, both stand-alone prescription drug plans and Medicare Advantage plans.



2003

Medicare legislation creates Health Savings Accounts which allow individuals to set aside pre-tax dollars to pay for current and future medical expenses. The plans must be used in conjunction with a high deductible health plan.



2003 – Present

88 Co-sponsors in the House by 2007



2007



2006

Massachusetts passes and implements legislation to provide health care coverage to nearly all state residents. Legislation requires residents to obtain health insurance coverage and calls for shared responsibility among individuals, employers, and the government in financing the expanded coverage. Within two years of implementation the state's uninsured rate is cut in half.



BRIEF HISTORY OF THE AFFORDABLE CARE ACT

Rising health care costs



Unsustainable premium increases



Millions of uninsured



2008

Presidential campaign focuses early on national health reform, overshadowed later by housing crisis and economic downturn, yet remains a key pocketbook issue throughout the campaign. Both major party candidates announce comprehensive health reform proposals.



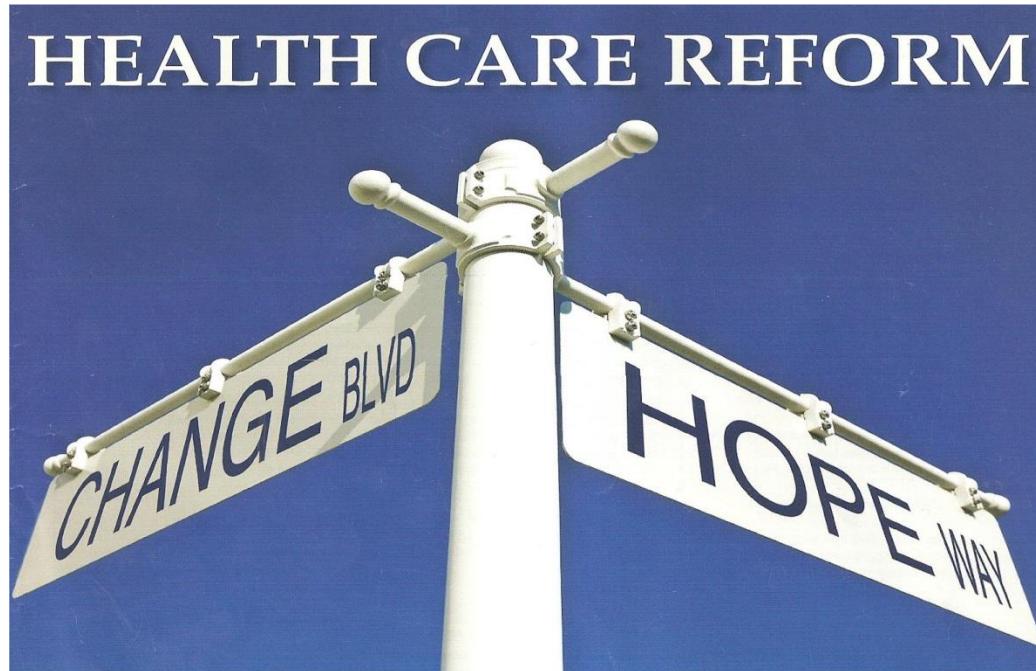
2008



America decides it's time for a change

2009

President Obama establishes Office of Health Reform to coordinate administrative efforts on national health reform.



2009

The American Reinvestment and Recovery Act (ARRA) makes substantial investments to help develop health information technology, expand the primary care workforce and conduct research on comparative effectiveness for health care treatment options.



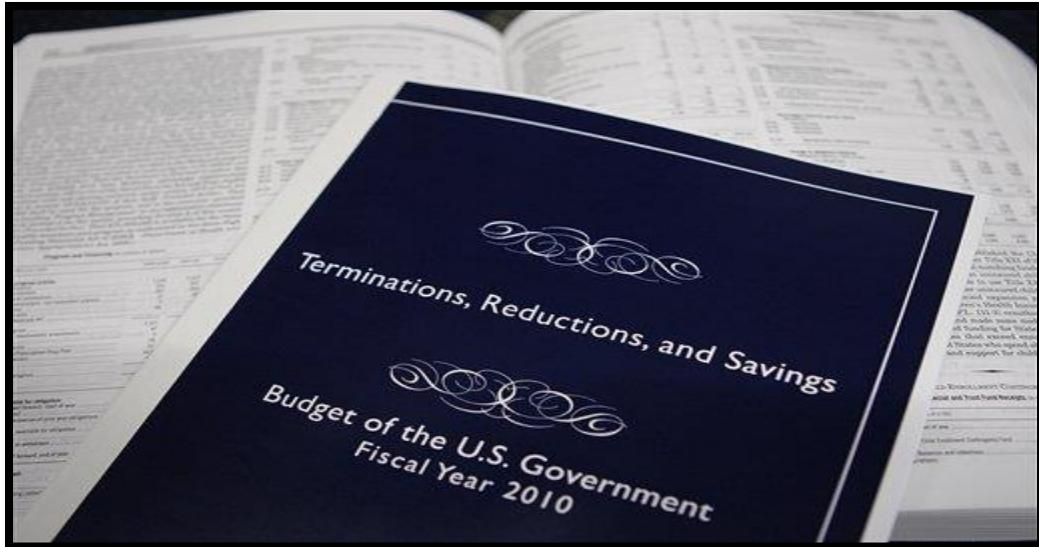
2009

White House holds a Health Reform Summit with key stakeholders.



2009

President Obama releases FY 2010 budget which outlines eight principles for health reform and proposes a set aside of 634 billion in a health reform reserve fund.



Obamacare





President Obama's Vision

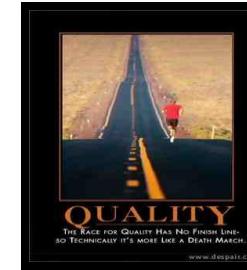
- Reduce health care costs
- Protect current coverage
- Preserve provider choice
- Ensure affordable, quality health care for all



"If you like your plan,
you can keep it."



"If you like your
doctor, you can keep
your doctor."



Quality, affordable health
coverage for every American.

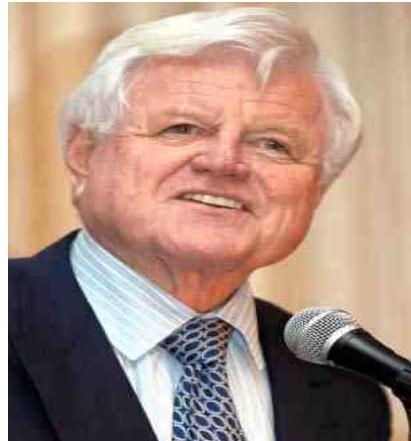


A hands off approach from the President



Obama's vision, Congress' words

3 competing bills



Senate HELP Committee



Senate Finance Committee



House Tri-Committee

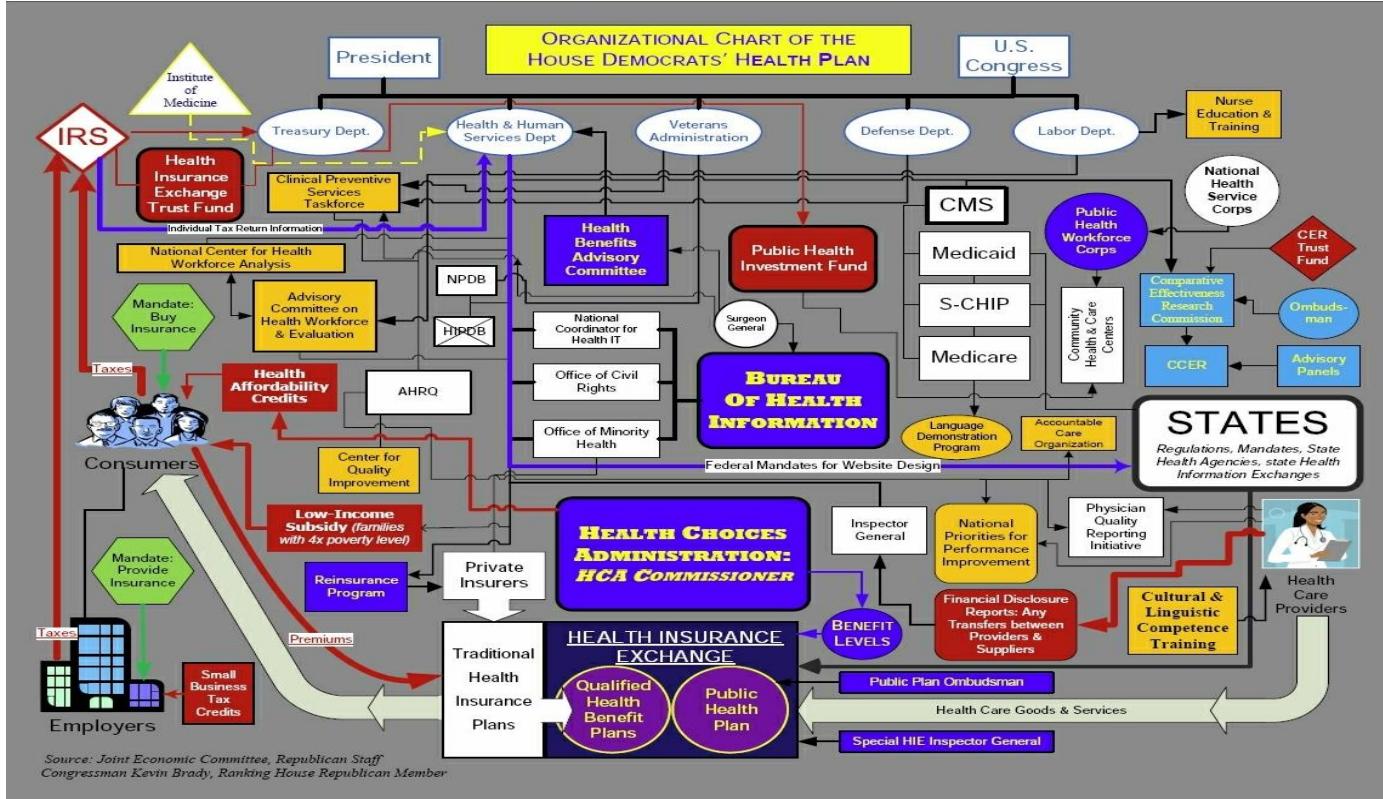
Affordable Health Care for America Act

(House version proposed by the House Committees on Ways and Means, Energy and Commerce, and Education and Labor)



AP / Steven Senne, File

House Democrats' Health Plan



House Bill passes November 7, 2009



American Health Choices Act

(Senate version proposed by the Health, Education, Labor, and Pensions Committee chaired by Senator Ted Kennedy)



Patient Protection and Affordable Care Act

(Senate version proposed by the Senate Finance Committee chaired by Senator Max Baucus), passed by the Senate December 24, 2009 and by the House March 21, 2010



TWO BECOME ONE



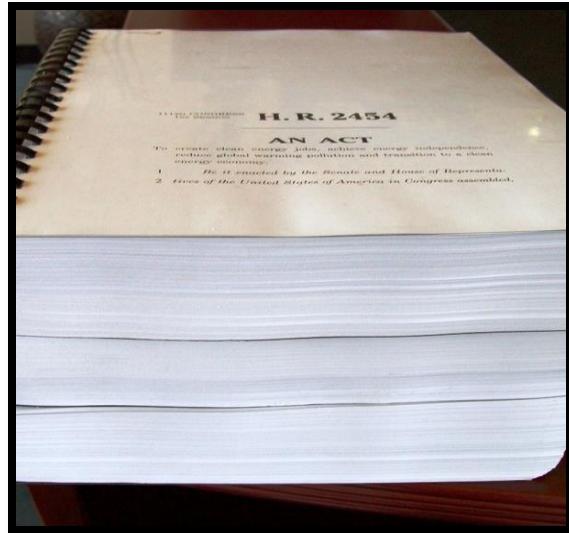
The Senate Bill

H.R. 3590

**Patient Protection and
Affordable Care Act**

**Senate HELP Bill and Senate
Finance Committee Bill are
merged into “The Senate Bill”**

Senate Bill passes December 24, 2009



Time to work out the differences



Closed door negotiations



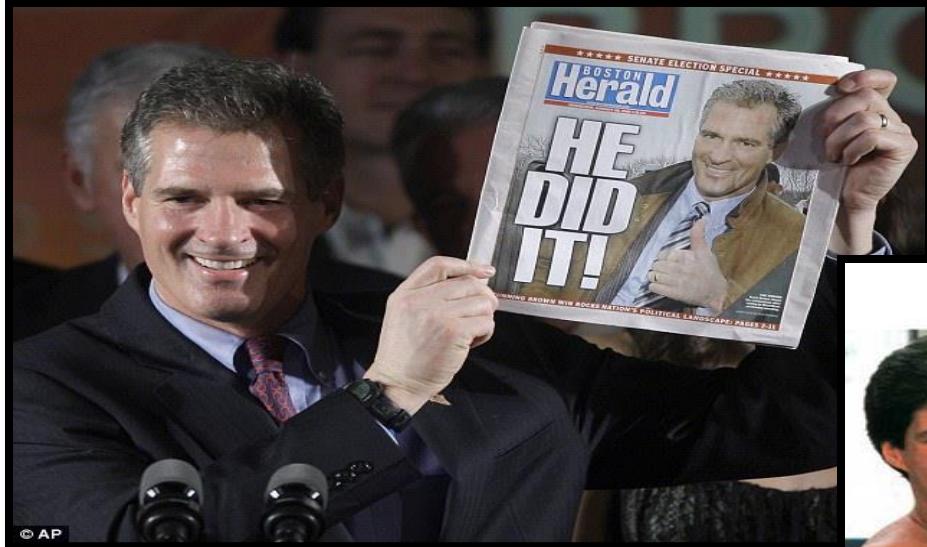
Not a pretty process



Public support for reform declines



Scott Brown wins in Massachusetts



COSMO'S CENTER-FOLD WINNERS!

#1 *Sen. Scott Brown* — 22 times the guy's been healthily outshining his male-mag counterparts since he became a senator. Now, suddenly, it's a whole another story. At a bar outside of Boston College, Scott managed to snag a spot on the cover of *Men's Health*. This Boston schoolboy-like look was commanding. For those just before you, here's a breakdown of what's behind his success: 1. Having a distribution of muscle tone and definition. 2. Not being a fan of fast food. 3. Not being a fan of fast food. 4. Not being a fan of fast food. 5. Not being a fan of fast food. 6. Not being a fan of fast food. 7. Not being a fan of fast food. 8. Not being a fan of fast food. 9. Not being a fan of fast food. 10. Not being a fan of fast food. 11. Not being a fan of fast food. 12. Not being a fan of fast food. 13. Not being a fan of fast food. 14. Not being a fan of fast food. 15. Not being a fan of fast food. 16. Not being a fan of fast food. 17. Not being a fan of fast food. 18. Not being a fan of fast food. 19. Not being a fan of fast food. 20. Not being a fan of fast food. 21. Not being a fan of fast food. 22. Not being a fan of fast food.

A collage of four photographs of Scott Brown. The largest photo on the left shows him shirtless, smiling, and reclining on a white surface. To his right is a vertical strip containing two more images: one of him shirtless with arms crossed, and another smaller photo of him walking on a beach in a white shirt and shorts.

Obama wonders what happened to his health plan



WTF HAPPIND

If you want a job done right...

Time to
roll up his
sleeves



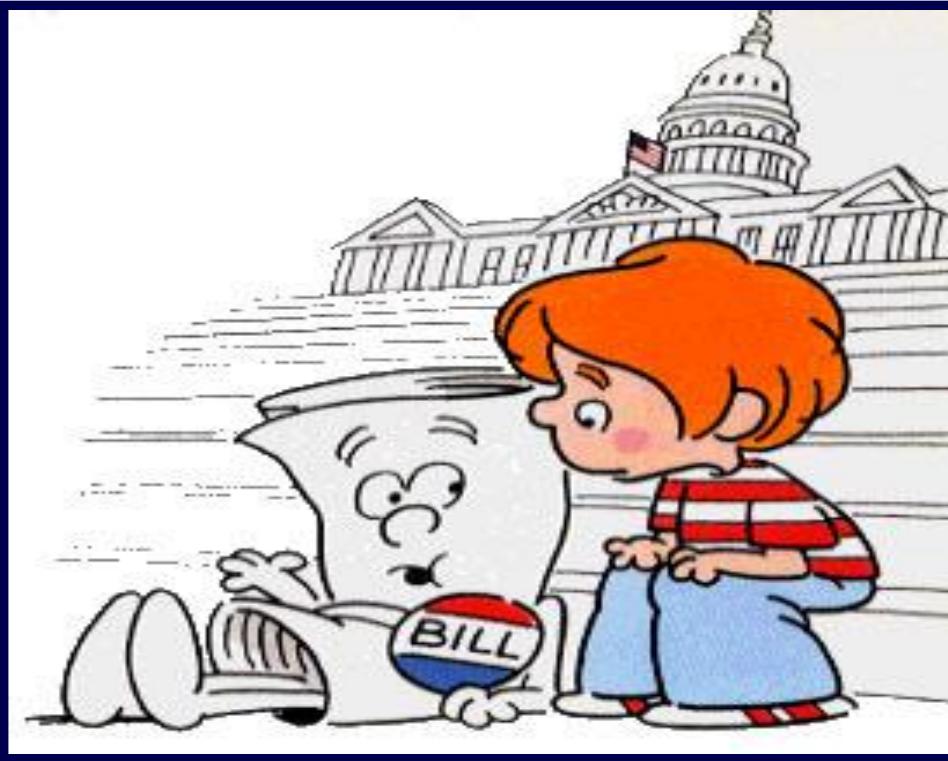
and get his hands dirty



“Let’s get all the ideas on the table”



House passes Senate bill and Reconciliation bill



Health Care & Education Affordability Act

(White House / Congressional Leadership Reconciliation Bill), passed by the House March 21, 2010



reconcile

President signs health reform bills into law



Time to sell it to the American people

ORGANIZING
for
HEALTH CARE

DECLARE YOUR SUPPORT



Let's put some lipstick on this pig



Nobody knows what's in it



Major Provisions

Major provisions

Guaranteed issue

- anyone who wants coverage can buy it

Individual mandate

- everyone must buy it

Individual subsidies

- the government will help some people buy it

Marketplace / exchange

- here's where the government will help people buy it

Employer mandate

- employers have to keep helping their employees buy it

Market reforms (plan design, rating rules)

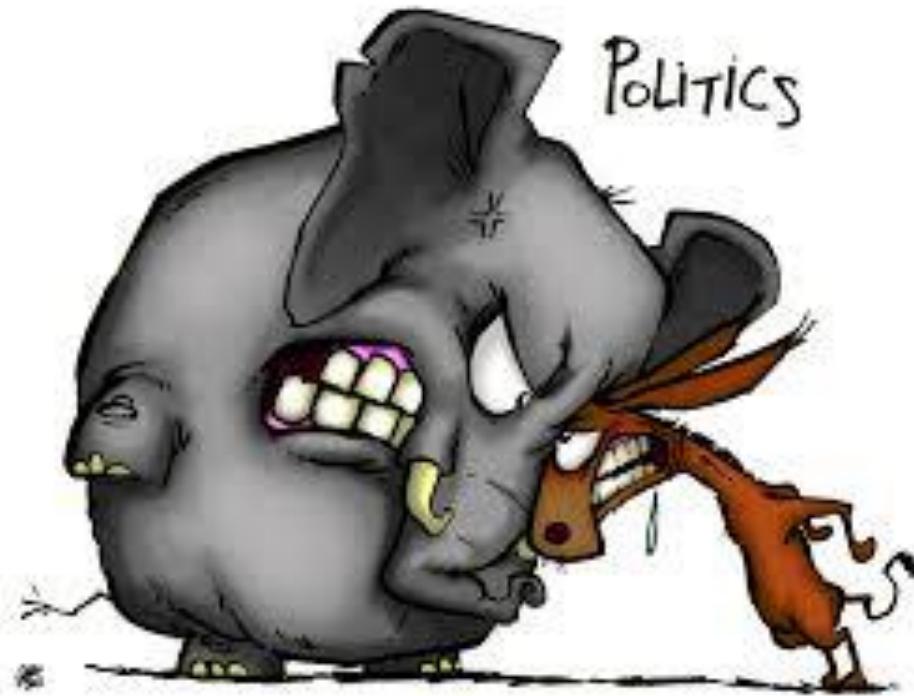
- the plans come fully loaded and are priced “fairly”

For A Minute There



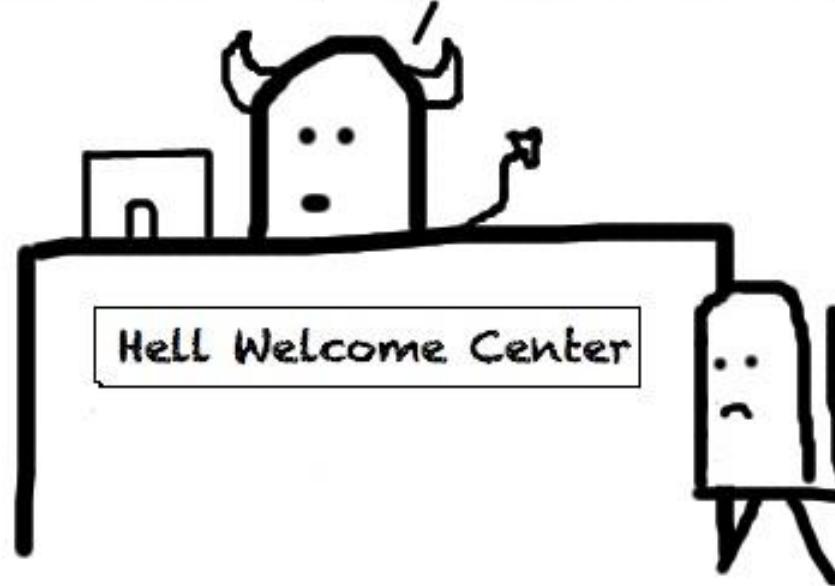
You Bored Me To Death

The health reform debate

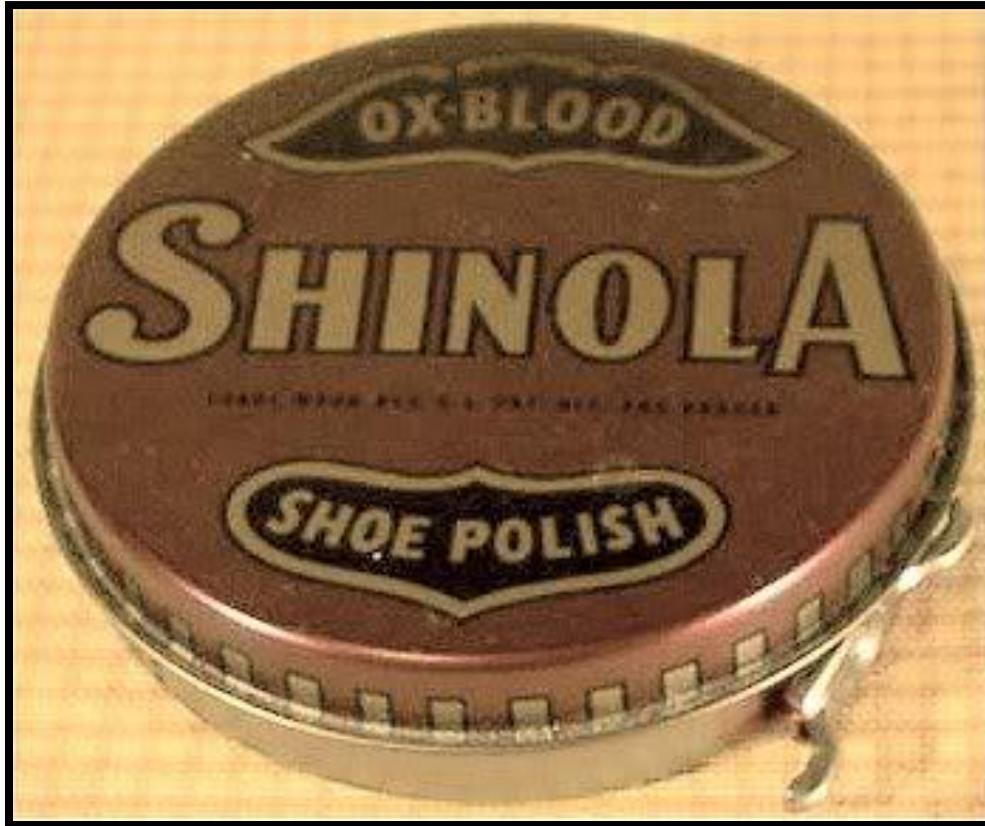


Good Intentions

Well, it looks like you had good intentions.
Why don't we have you pave roads for eternity?



They don't know health insurance





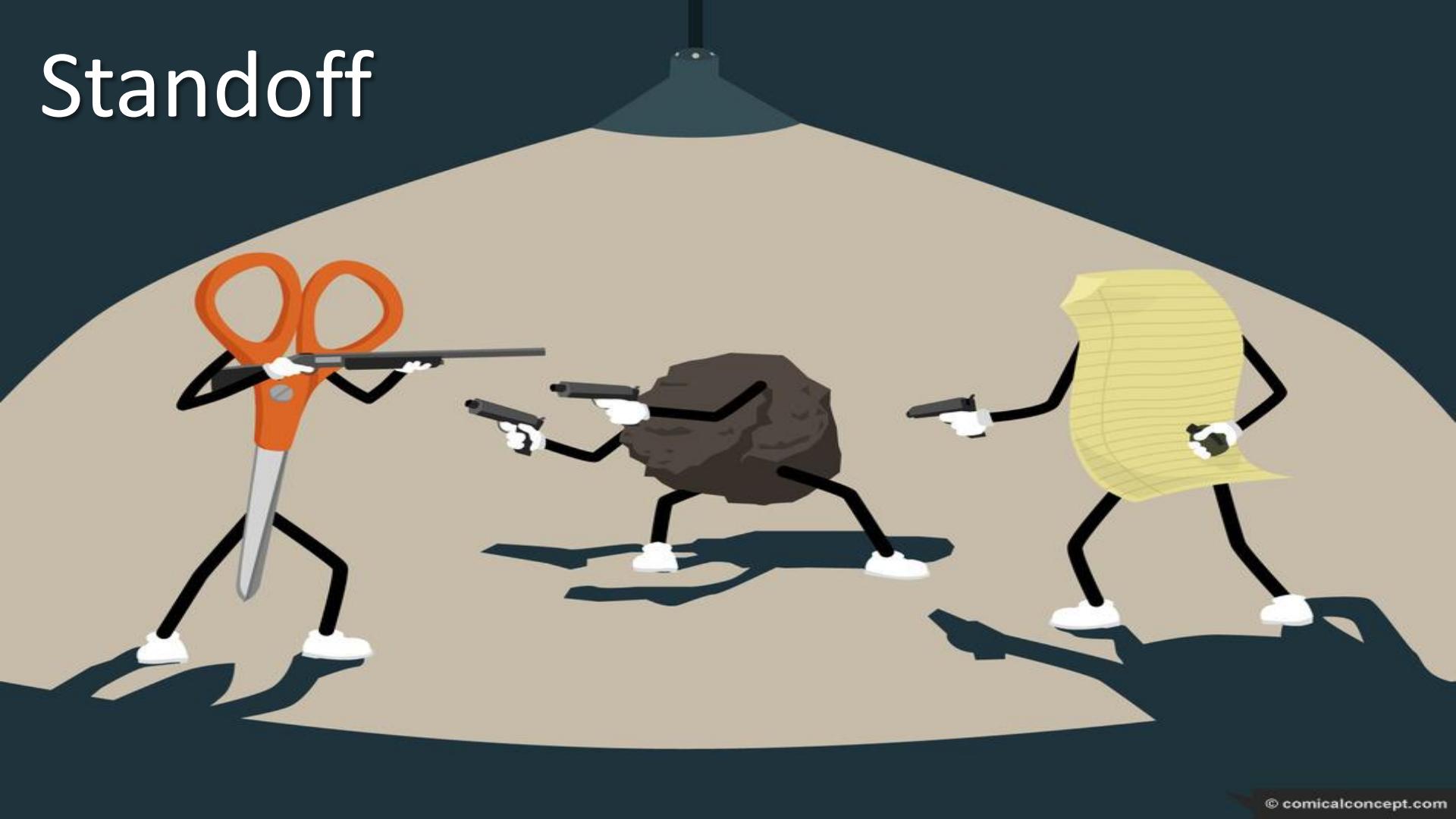
Supporters are Claiming Victory



Opponents Still Want to Kill It



Standoff



The further we get down Health Reform Road...

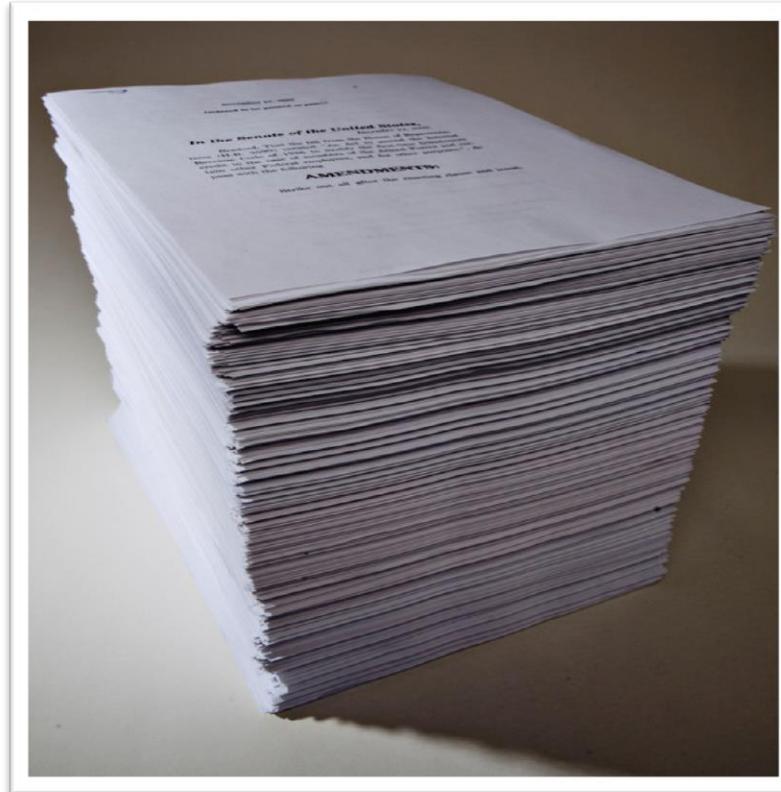




...the less chance we can go back.

THE LEGISLATIVE PROCESS

2,409 pages + 55 page reconciliation bill

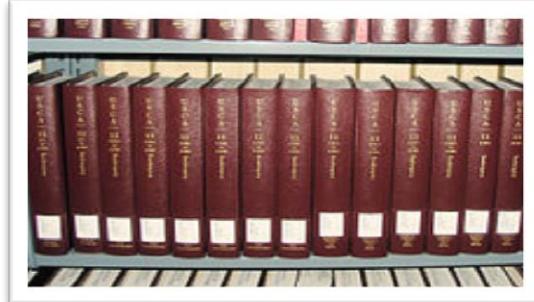


The United States Code

The Code of Laws of the United States of America[1] (variously abbreviated to Code of Laws of the United States, United States Code, U.S. Code, or U.S.C.) is a compilation and codification of the general and permanent federal laws of the United States. It contains 51 titles[2] (along with a further 4 proposed titles[3]).

The official text of an Act of Congress is that of the "enrolled bill" (traditionally printed on parchment) presented to the President for his signature or disapproval.

Because of this codification approach, a single named statute (like the Taft-Hartley Act, or the Embargo Act) may or may not appear in a single place in the Code. Often, complex legislation bundles a series of provisions together as a means of addressing a social or governmental problem; those provisions often fall in different logical areas of the Code.



ACA modifies a number of existing health insurance laws

Public
Health
Service Act
(PHS) of
1944

Internal
Revenue
Code (IRC)

ERISA

HIPAA

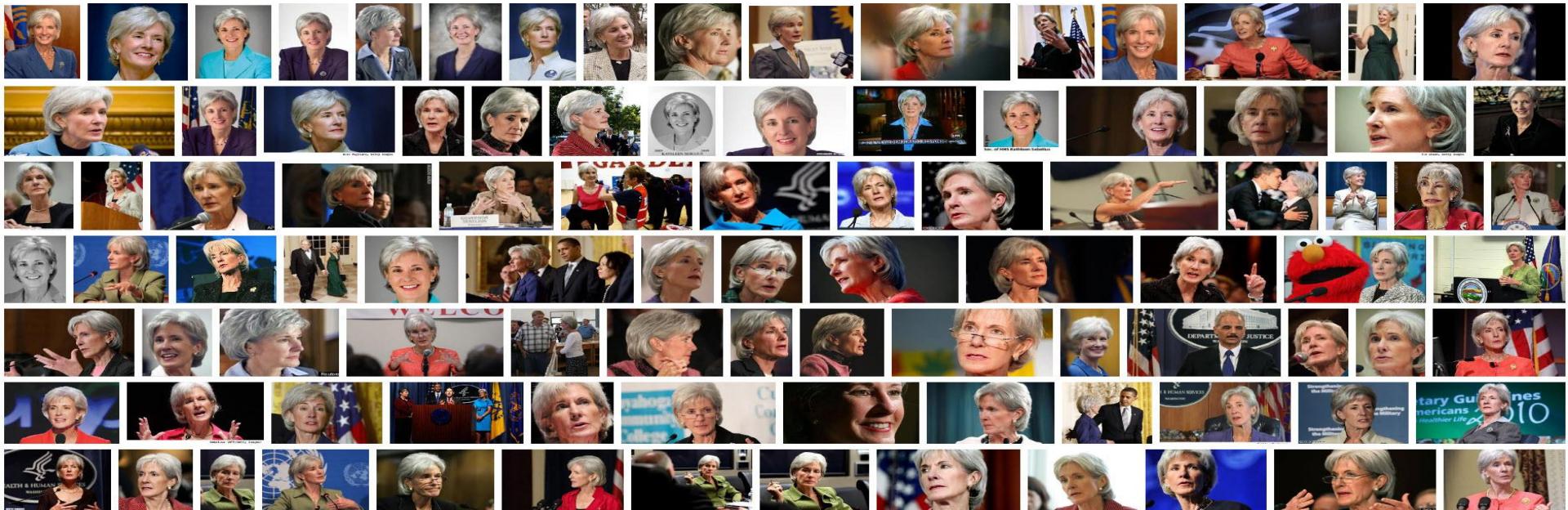
PPACA – 10 Titles (chapters)

The Affordable Care Act, Section by Section

Below you will find all 10 Titles of the Affordable Care Act, with amendments to the law called for by the reconciliation process. **Click on each Title to see a brief outline and then read the law section by section.**

- ▼ Title I. Quality, Affordable Health Care for All Americans 
- ▼ Title II. The Role of Public Programs
- ▼ Title III. Improving the Quality and Efficiency of Health Care
- ▼ Title IV. Prevention of Chronic Disease and Improving Public Health
- ▼ Title V. Health Care Workforce
- ▼ Title VI. Transparency and Program Integrity
- ▼ Title VII. Improving Access to Innovative Medical Therapies
- ▼ Title VIII. Community Living Assistance Services and Supports Act (CLASS Act)
- ▼ Title IX. Revenue Provisions
- ▼ Title X. Reauthorization of the Indian Health Care Improvement Act

Kathleen Sebelius – Former Secretary of HHS



“The Secretary Shall”
(1,045 times)

Proposed Rules



FEDERAL REGISTER

Vol. 77 Monday,
No. 227 November 26, 2012

Part III

Department of Health and Human Services

45 CFR Parts 144, 147, 150, *et al.*
Patient Protection and Affordable Care Act; Health Insurance Market Rules;
Rate Review; Proposed Rule

Comment Period Required – usually 30 days



speak now
or forever hold
your peace

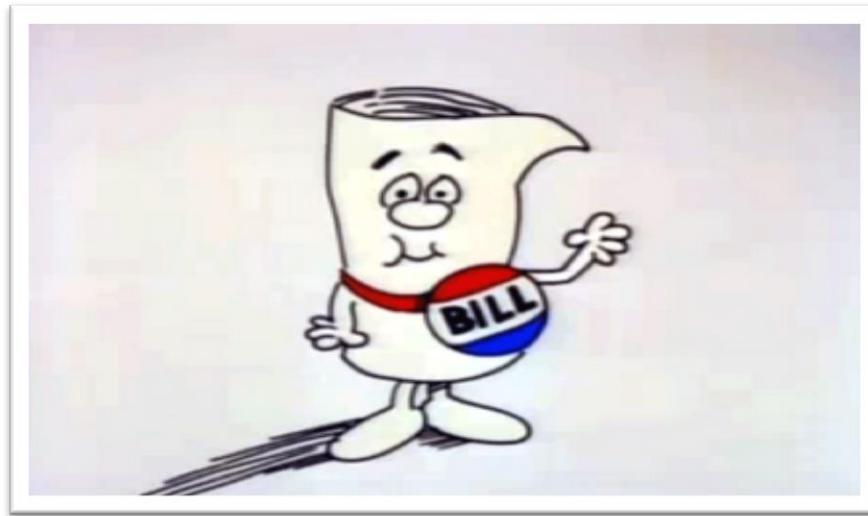
Code of Federal Regulations (CFR)

The Code of Federal Regulations (CFR) is the codification of the general and permanent rules and regulations (sometimes called administrative law) published in the Federal Register by the executive departments and agencies of the federal government of the United States.

Every regulation in the CFR must have an "enabling statute," or statutory authority. The United States Code (U.S. Code) precedes the CFR and contains statutes enacted by Congress. The CFR contains regulations, which spell out in further detail how the executive branch will interpret the law.

The Legislative Process

The two documents represent different stages in the legislative process. The U.S. Code is a codification of legislation, while the CFR serves as administrative law.



Provisions that have been eliminated



Market Reforms (HHS)

- Essential Benefits
- Cost-Sharing Requirements
- Rating Rules
- Exchange / Marketplace

Subsidies & Penalties (IRS)

- Small Group Tax Credit
- Large Employer Mandate
- Individual Premium Tax Credits
- Individual Mandate

Compliance (DOL + others)

- Summary of Benefits & Cvg.
- Notice of Coverage Options
- ERISA
- 6056 Reporting Requirements (IRS)

Benefits Package (you)

- Plan Selection
- Contribution Strategy
- Ancillary & Fringe Benefits
- Benefits Communication

The Big Picture
ANY QUESTIONS?