



AFFORDABLE CARE ACT MASSACHUSETTS IMPLEMENTATION UPDATE

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Introduction

Welcome to the first Update on the Implementation of Federal Health Care Reform in Massachusetts. This spring the country saw the passage of the *Patient Protection and Affordable Care Act*, known as PPACA or the ACA, creating a large expansion of health care coverage, making health insurance accessible to millions of people who currently are uninsured. The ACA also protects individuals from insurance industry discrimination and moves the nation toward health care cost containment, which will enable us to afford expanded access to health insurance. The federal bill is built on the Massachusetts model, building on the Commonwealth Connector Authority as a model for insurance exchanges and expanding the Commonwealth's concept of shared responsibility by calling for an individual mandate, employer responsibility, and government subsidies for low-income individuals nationwide.

Click here to view an Overview of the law's major provisions and an introduction to the Commonwealth's implementation activity:
[Overview of HCR Provisions & Commonwealth's Implementation Activity](#)

These Updates, published by the Executive Office of Health and Human Services (EOHHS) in consultation with the other state agencies involved in ACA implementation, will bring you news related to the implementation of the aspects and provisions of the ACA here in Massachusetts. EOHHS will publish these updates as frequently as the news warrants and state resources allow.

Grants

The ACA provides funding opportunities to transform how health care is delivered, expand access to care and support healthcare workforce training.

The chart below contains information about grant awards that the Commonwealth has received and those applications that are still pending as of December 15, 2010. For additional information on each grant, please visit the "Grants" page of our website at mass.gov/nationalhealthreform

Grants Awarded to the Commonwealth

Date Awarded	Section	Grant	Agency	Amount
10/19/2010	1002	Office of Health Insurance Consumer Assistance	EOHHS	\$742,888.00
8/16/2010	1003	Health Insurance Premium Review	DOI	\$1,000,000.00
9/30/2010	1311	State Planning and Establishment Grants for Exchanges	Connector	\$1,000,000.00
9/21/2010	2403	Money Follows the Person Planning Grant	EOHHS	\$199,905.00
9/27/2010	2405	Aging and Disability Resource Centers	ELD	\$697,661.00
7/15/2010	2951	Maternal Infant and Early Childhood Home Visitation Grants	DPH	\$500,000.00
9/30/2010	2953	Personal Responsibility Education Grant Program	DPH	\$1,062,646.00
9/27/2010	3306	Outreach and Assistance for Low-Income Programs (Elder Affairs)	ELD	\$1,005,909.00
9/24/2010	4002	CDC HIV Surveillance Grant	DPH	\$89,000.00
9/21/2010	4002	Strengthening Public Health Infrastructure to Improve Health Outcomes	DPH	\$1,960,128.00
9/24/2010	4201	Tobacco Cessation and Prevention Program	DPH	\$83,924.00
9/24/2010	4304	Epidemiology-Laboratory Capacity Grants	DPH	\$718,230.00
9/28/2010	5102	State health care workforce development grants	EOLWD	\$149,271.00
9/27/2010	5507	Personal and Home Care Aide State Training Program	EOHHS	\$2,400,000.00
9/28/2010	10212-10214	Pregnancy Assistance Fund	DPH	\$1,648,438.00
Total grants awarded:				\$13,258,000.00

Pending Grant Applications the Commonwealth Has Submitted

Date Applied	Section	Grant	Agency	Amount
9/8/2010	4002	HIV Surveillance Grant	DPH	

Agency Key

Connector	Health Connector
DOI	Division of Insurance
DPH	Department of Public Health
EOHHS	Executive Office of Health and Human Services
ELD	Executive Office of Elder Affairs
EOLWD	Executive Office of Labor and Workforce Development

New Grant Announcements

State Demonstrations to Integrate Care for Dual Eligible Individuals. \$2602.

Announced 12/10. Application deadline 2/1/11. [FBO.Gov Link](#)

Nurse Education, Practice, Quality and Retention (NEPQR) Program. \$5309. Announced 12/6/2010. Application deadline: January, 21 2011. [Grants.Gov Link](#)

Teaching Health Center Graduate Medical Education Program. \$5508. Announced 11/29/10. Application deadline: December, 30 2010. [Grants.HRSA.Gov Link](#)

Funding Opportunity Announcements are updated and posted on www.grants.gov as they become available.

Guidance

12/9 HHS released guidance regarding "**mini-med**" plans and the requirement that they must

notify consumers that their plan has limited benefits and direct them to healthcare.gov to get new information about other coverage options. The rules require health plans with waivers to tell consumers if their health care coverage is subject to an annual dollar limit lower than what is required under the law. The notice must include the dollar amount of the annual limit annual limit along with a description of the plan benefits to which the limit applies. HHS has also issued guidance restricting the sale of new mini-med plans except under very limited circumstances. The guidance can be found here: [HHS Guidance](#) and a fact sheet can be found here: [Healthcare Fact Sheet](#)

12/6 IRS and Treasury are seeking comments on the ACA **medical device excise tax** in §1405 of the Reconciliation bill. Specifically comments are requested on the exemption in §4191(b)(2)(D) of the IRS law for devices determined to be purchased by the general public at retail for individual use. Comments are due 3/3/11. The IRS notice can be found here: [IRS Notice](#)

12/2 IRS issued final guidance for small employers eligible to claim the new **small business health care tax credit** for the 2010 tax year. The release includes a one-page form and instructions small employers will use to claim the credit for the 2010 tax year. The guidance can be found here: [IRS Guidance](#). Instructions can be found here: [IRS Instructions Link](#) and FAQ's about the credit can be found here: [IRS FAQ's](#)

11/29 IRS and Treasury issued guidance on the annual fee imposed on covered entities engaged in the business of manufacturing or importing **branded prescription drugs** under §9008 of PPACA. Comments are due 6/2/11. The notice containing the guidance can be found here: [IRS Notice](#). A link to the IRS form used to report the drug information can be found here: [IRS Form](#).

11/29 CMS issued a final rule related to **Medicare Part B payment policies** and other ACA provisions. Regulations are 1/1/11. Comments are due 1/3/2011. For additional information please see the Federal Register notice at: [Federal Register Notice](#).

12/13 the IRS released guidance on **ACA's tax on drug makers**. Part I describes a proposed methodology for calculating the §9008 fee. Part II describes how the IRS will use the proposed methodology to provide each covered entity with a preliminary 2011 fee calculation. Comments are due 6/2/11. Information from the IRS, including the guidance can be found here: [IRS Information](#).

11/24 CMS issued a final rule that revises **Medicare hospital outpatient prospective payment system** (OPPS) to implement applicable statutory requirements and certain provisions of the ACA. Comments are due 3/5/11. For additional information, please see the Federal Register notice at: [Federal Register Notice](#).

11/22 CMS issued a proposed rule regarding **revisions to the Medicare Advantage program and Prescription Drug Benefit Program** to implement certain ACA provisions. Comments are due 1/21/11. For additional information, please see the Federal Register notice: [Federal Register Notice](#).

Note that the guidance listed in this section dates back to November 22, 2010. Prior guidance can be viewed at www.healthcare.gov.

State Action

A. Quarterly Stakeholder Meeting December 16, 2010. Presentation topics included the

Connector's exchange grant planning work, feedback from statewide employer forums held this fall, ACA long term care provisions and related activity, as well as a discussion about stakeholder engagement. Presentations from the meeting are posted on our website under Stakeholder Meetings at mass.gov/nationalhealthreform.

B. EOHHS and Associated Industries of Massachusetts teamed up to conduct a series of interactive **employer sessions on federal health care reform** and its implementation in the commonwealth. Statewide seven programs were offered - with support from many business groups throughout the state. EOHHS developed an employer guide to the ACA to be used at the forums. DHCFP Commissioner Morales led the first employer forum in the Berkshires on 10/25 and EOHHS Secretary JudyAnn Bigby, M.D. hosted the final December 2 forum in Shrewsbury. The Employer Guide to the ACA is available on our website at mass.gov/nationalhealthreform.

C. The federal government often solicits feedback from states, individuals and other stakeholders on proposed regulations and rules. The Commonwealth has submitted letters to federal agencies in response to many of these requests.

1) 12/3 EOHHS submitted comments to CMS in response to a Request for Information regarding certain aspects of the policies and standards that will apply to **accountable care organizations** (ACOs) participating in the Medicare program under §3021, 3022 of the ACA. The comment period has closed but a link to the 11/17 Federal Register notice can be found here: [Federal Register Notice](#).

The comments can be viewed online at our website at mass.gov/nationalhealthreform under the State and Federal Communications Section.

2) 10/15 EOHHS submitted comments on a **National Health Care Quality Strategy and Plan**, which the ACA requires the department to develop and submit to Congress by the end of the year. The link can be found at: [HHS Gov](#).

The comments can be viewed online at our website at mass.gov/nationalhealthreform under the State and Federal Communications Section.

This reflects ACA-related comments submitted by the Commonwealth dated back to 11/22/10. Please refer to the State and Federal Communications Section of our website, mass.gov/nationalhealthreform for the complete list.

Upcoming Events

Next Quarterly Stakeholder Meeting

Patient Protection and Affordable Care Act Implementation meeting

Wednesday March 2, 2011 from 3:00-4:00 P.M.

1 Ashburton Place, 21st floor, Boston