



AFFORDABLE CARE ACT MASSACHUSETTS IMPLEMENTATION UPDATE

February 10, 2011

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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 provisions of the ACA here in Massachusetts.

Guidance

2/3/11 HHS Secretary Kathleen Sebelius sent a letter to governors outlining the **flexibility and support available to states** that are examining how to make Medicaid programs more efficient in the face of difficult budget circumstances. Read the letter at:

<http://www.hhs.gov/news/press/2011pres/01/20110203c.html>

Read the blog by Cindy Mann, CMS Deputy Director and Director for Medicaid, CHIP, Survey and Certification at: <http://www.healthcare.gov/news/blog/mcicaid02032011a.html>

2/9/11 HHS/CMS announced a proposed regulation that would ensure students enrolled in health insurance coverage through their college or university would benefit from critical consumer protections created by the ACA and would not have to not worry about losing their insurance, or having it capped unexpectedly if they are in an accident or become sick. The proposed rule would define "**student health insurance coverage**" as a type of individual health insurance coverage, and, pursuant to section 1560(c) of the ACA, apply the requirements of the ACA to this coverage. Under the proposed rules, some of the new health insurance protections include: no lifetime limits on coverage, no arbitrary rescissions of insurance coverage and no pre-existing condition exclusions for students under age 19.

Comments are due April 8. The proposed rule, filed 2/9/11, to be published 2/11/11: <http://www.gpo.gov/fdsys/pkg/FR-2011-02-11/pdf/2011-3109.pdf>
HHS press release: <http://www.hhs.gov/news/press/2011pres/02/20110209a.html>

Fact Sheet on the Proposed Rule:

<http://www.healthcare.gov/news/factsheets/students02092011a.html>

Note that the guidance listed in this section dates back to February 2, 2011. Prior guidance can be viewed at www.healthcare.gov

News

2/7/11 HHS Secretary Kathleen Sebelius spoke about the **CLASS program** at a Kaiser Family Foundation briefing. The CLASS program is the new voluntary long-term care insurance program created by the ACA. Among her comments, Sebelius said that HHS is looking at ways to make it easy to enroll and pay premiums, including having HHS calculate premiums so that employers don't have to. Sebelius also said that HHS wants to close "loopholes" in the provision that could allow people to stop paying premiums and still re-enroll later and claim benefits.

Read Secretary Sebelius' remarks on CLASS:

<http://www.hhs.gov/secretary/about/speeches/sp20110207.html>

Read the blog entry by Kathy Greenlee, Assistant Secretary for Aging:

<http://www.healthcare.gov/news/blog/CLASS.html>

2/8/11 Chet Speed, vice president for public policy at the American Medical Group Association, joined others who testified before a Congressional Health Care Caucus about the technical and regulatory questions that CMS will tackle in rolling out regulations for **accountable care organizations (ACOs)** §3022. The session was chaired by Rep. Michael Burgess, R-Texas. Experts said that the challenges included changing medical culture so that providers at all levels of care cooperate with each other. CMS has been working on the regulations for ACOs, which are groups of health care providers who agree to be accountable for the quality, cost and care of Medicare beneficiaries. They can be networks of physicians or hospitals and physicians, and would agree to care for at least 5,000 people for three years or longer. Under the law, if an ACO saves money, then all of the partners share in the savings, and the guidelines for that savings are among the issues that CMS will decide. Because the program is voluntary CMS is working to make the program as attractive as possible. For more information on the testimony, slide presentations and fact sheets submitted by panelists see: <http://health.burgess.house.gov/BLOG/?POSTID=222064>

2/9/11 MIT economist and Massachusetts Connector Board member Jonathan Gruber released a study that concludes that **alternatives to the individual mandate** would leave millions of Americans uninsured. In a Center for American Progress paper Gruber explores whether alternative mandates can provide equivalent coverage to the individual mandate. He looks at auto-enrollment (such as the system used in 401(k) plans) and Medicare late enrollment penalties. His conclusions include that no alternative to the individual mandate can cover more than two-thirds as many uninsured as the ACA does (in its current form), premiums in the exchange would rise and that the other alternatives would not save the government as much money.

The study can be read at:

http://www.americanprogress.org/issues/2011/02/pdf/gruber_mandate.pdf

Note that the news listed in this section dates back to 1/26/11.

EOHHS News

2/8/11 The **state's national health reform website** continues to be revised with added

features for consumers and improved navigation. The "Additional Resources" page now contains more information about the Affordable Care Act, including links to read the law, by section or in its entirety, as well as links to several of the federal agencies charged with implementing the law. Be sure to visit regularly to keep up with added materials and stakeholder meetings. Add our website to your favorites: [mass.gov/national health reform](http://mass.gov/national-health-reform)

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