

NHeLP's Capital Communique MAY/JUNE 2010

This issue is part of a series of periodic reports from the National Health Law Program's Washington office, reporting briefly on recent and forthcoming developments in federal policy of interest to NHeLP advocates and friends. We always appreciate your feedback and comments. Please send them to Deborah Reid at reid@healthlaw.org. For updates and information on NHeLP publications, go to <http://www.healthlaw.org>.

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BILL OF INTEREST

Promoting American Jobs and Closing Tax Loopholes Act

Before its Memorial Day recess, Congress was attempting to pass a tax extenders bill, H.R. 4213 (now known as the Promoting American Jobs and Closing Tax Loopholes Act). Timing was critical because a number of programs had expired, and funding would not continue without the extensions. The bill originally included extending increased federal Medicaid funds for the states and COBRA subsidies. Many states have relied on the continuation of enhanced federal Medicaid funding levels when planning for their state budgets, many of which begin on July 1. Unfortunately, Congress did not finish action before its recess.

On May 7, 216 House Democrats and three House Republicans wrote a letter to House Speaker Nancy Pelosi (D-Calif.) and Minority Leader John Boehner (R-Ohio), expressing their support for an extension of the enhanced federal medical assistance percentages (FMAP) to provide critical fiscal support to states.

Among other provisions, the original version of H.R. 4213 included:

- an extension of the enhanced FMAP to states through June 30, 2011 (currently scheduled to expire on December 31, 2010);

- an extension of eligibility for COBRA subsidies for individuals terminated from employment on or before November 30, 2010;
- an increase in Medicare physician payments for 2012 and 2013, and elimination of scheduled 2010 rate cuts; and
- maintenance of the 2009 federal poverty levels (FPL) throughout 2010 to avoid a reduction in FPLs, which would have reduced eligibility to programs that use the FPLs to determine income eligibility (such as Medicaid and food stamps).

On May 28, the House passed a procedural rule to allow floor debate on the legislation by a vote of 221-199. Instead of including the FMAP and COBRA provisions, the House voted on two separate portions of the bill - first extending unemployment insurance and tax extensions, which was approved 215-204. The House then approved Medicare physician payment rate increases of 2.2 percent for the remainder of 2010 and an additional 1 percent in 2011. However, extended FMAP and eligibility for COBRA subsidies provisions were not acted on during the May 28 House vote. As a result, the enhanced FMAP will expire on December 31, 2010, and the COBRA subsidy had previously expired. Nevertheless, the House did approve maintaining the federal poverty line at 2009 levels throughout 2010. Because the Senate has adjourned for Memorial Day recess, no further action can occur until they return on June 7.

Possible Action: Those wishing to do so could contact their Representatives and Senators in their local districts while they are on Memorial Day recess, to urge their support of extended FMAP and eligibility for COBRA benefits when Congress returns in June.

HHS UPDATE

Draft HHS Strategic Framework on Multiple Chronic Conditions -- Comments Due by June 18

The HHS Office of Public Health and Science is soliciting public comment on the draft "HHS Strategic Framework on Multiple Chronic Conditions." The draft framework's objective is to improve coordination between internal and external HHS health stakeholders to enhance the health and quality of life of individuals with simultaneous chronic health conditions. For individuals experiencing numerous health disparities, careful management of their existing health conditions according to recognized standards of care is particularly essential to improving health status.

[Click here](#) for the draft framework. For details on how to submit comments, [click here](#) . Comments are due no later than June 18.

JUDICIAL NOMINATIONS

On May 10, President Obama nominated Elena Kagan to succeed Justice John Paul Stevens on the Supreme Court. Currently, Kagan is the U.S. Solicitor General. Among other positions, she was formerly Dean of Harvard Law School and Associate Counsel to the Senate Judiciary Committee. Confirmation hearings on the nominee are expected to begin on June 28.

On May 13, the Senate Judiciary Committee approved the nomination of Goodwin Liu as a federal circuit judge to the U.S. Court of Appeals for the 9th Circuit by a vote of 12-7 along party lines. Liu's nomination will be sent to the full Senate for a floor vote. He is a nationally recognized expert on constitutional and education law, as well as a Rhodes Scholar and a former Supreme Court Clerk.

RESOURCES

NHeLP, *Health Care Refusals: Undermining Quality Care for Women* investigates whether and to what extent the growing refusal to provide treatment for ideological or religious reasons conflicts with professionally developed, accepted medical standards of care. The report also analyzes the potential health consequences to women. This analysis provides a new framework for evaluating refusal clauses and denials of care, hospital mergers, and other transactions when they contradict accepted and expected medical practice, which ultimately put women's health and safety at risk. For a copy of the report,

[click here](#)

NHeLP, *How Can States Get Medicaid and CHIP for Language Services (2009 Update)*. This brief explains the option states have to pay for language services in Medicaid and CHIP.

[Click here](#)

for the complete report.

HHS, Office of Consumer Information and Insurance Oversight, provides a link to some of the proposed health reform regulations and requests for comments. For additional information, [click here](#)