

## Highlights of Our Recent Activities and Accomplishments

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Check out some of the great work NHeLP accomplished in the past couple of months. And be sure to follow NHeLP on [Twitter @NHeLP\\_org](#) and Facebook!

## NHeLP's 23rd Annual Health Advocates Conference

NHeLP wrapped up its 23<sup>rd</sup> annual Health Advocates Conference in Washington DC in early December. The conference brought together more than 150 health advocates and attorneys from 24 states, policy makers and supporters to discuss preeminent health policy issues and challenges facing low-income individuals and families in the current fiscal and political climate. Congressman Henry Waxman (D-CA) delivered the keynote at the Health Advocates Luncheon and praised NHeLP and urged us to keep up our good work and “live up to the obligation of

securing health rights to those in need.” Other featured conference speakers included Cindy Mann, CMS deputy administrator and director of the Center for Medicaid and CHIP Services; Stan Dorn, Senior Fellow, Health Policy Center at the Urban Institute; Robin Rudowitz, Associate Director, Kaiser Commission on Medicaid and the Uninsured; and many other high level officials from CMS and DOJ.



## Health Reform Implementation

NHeLP continued to play a critical role in helping health advocates and state and federal policy makers understand the ramifications of the Supreme Court’s decision on the Affordable Care Act’s (ACA) Medicaid Expansion. NHeLP provided extensive and timely legal analysis and serves as a reliable resource for advocates around the nation as they work to implement the Expansion. NHeLP and nine co-signers sent HHS a [detailed legal memorandum](#) discussing the requirements in Medicaid law and the ACA that require states to cover all individuals under 138% of the poverty line if they implement an Expansion. HHS recently announced that it will not allow partial Medicaid Expansions. Check out [NHeLP’s Medicaid Expansion Toolbox](#) for the most up-to-date information about ACA litigation, national developments and state specific resources.

NHeLP DC managing attorney Mara Youdelman [testified before the Internal Revenue Service](#) on proposed regulations governing charitable hospitals and the needs of limited English proficient individuals and corresponding language access requirements. NHeLP also provided guidance and coordinated meetings with health advocates with the Center for Consumer Information and Insurance Oversight, the HHS Office for Civil Rights, and the CMS Office of Communications to discuss how Exchanges and qualified health plans should be accessible for individuals with limited English proficiency and people with disabilities.

NHeLP defended the rights of immigrant youth and opposed the recent rule excluding Deferred Action for Childhood Arrivals (DACA)-eligible youth from the ACA's high-risk pools, Exchanges and other coverage programs. The exclusion undermines the ACA, lacks legal or policy justification and has the potential to further health disparities. [Read NHeLP's comments](#) .

NHeLP published two new issue briefs on cutting edge ACA issues. NHeLP's [Five Key Standards for Dual Eligible MOUs](#) provides sample contract language for state advocates working to protect individuals who are dually eligible for both Medicaid and Medicare.

NHeLP's [Promoting Community Living: Updates on HCBS & the ACA](#) issue brief analyzes the ACA's new options to expand access to needed services and provides an implementation update.

NHeLP worked with national health and civil rights advocates to develop legislative and administrative priorities for the second Obama administration that prioritize women's health, ensure access to comprehensive reproductive health services for all women and promote full ACA implementation. NHeLP collaborated with the Leadership Conference on Civil and Human Rights, where NHeLP attorney Mara Youdelman chairs the health committee, and the Women's Reproductive Health Blueprint.

NHeLP Washington DC staff, with support from the Consumer Health Foundation, Meyer Foundation and Potomac Health Foundation, trained community health center staff and other front-line health and social service workers on health reform basics, the Medicaid Expansion, and upcoming health insurance exchanges. Stay tuned for additional trainings and a webinar in the coming months.

## Reproductive Health

NHeLP is closely monitoring and tracking the numerous court cases around the nation challenging the ACA's requirement that most health plans cover contraceptives as part of preventive services. Access to contraception is critical to the health and well-being of millions of women, and the ACA supports the ability of women, not their employers, to make these personal health care decisions. NHeLP has provided substantial guidance to the administration as they implement these new requirements, including specific proposals to close potential coverage gaps and protections for women transitioning between public and private coverage.

[Click here](#)

to learn more about NHeLP's work defending women's health.

In California, NHeLP submitted formal comments on Qualified Health Plans to ensure that the health plans participating in the state Exchange provide access to covered reproductive health services, and met with agency officials to craft concrete policies to make that access meaningful. In addition, NHeLP briefed the Women's Caucus of the California legislature on how to best ensure that health reform meets the needs of California women.

NHeLP delivered twelve presentations across the country on various aspects of the intersection of reproductive health and the ACA, Medicaid, and the Supreme Court decision on Medicaid Expansions. Venues included the North American Forum on Family Planning, the American Society for Bio-Ethics and Humanity, the American Public Health Association, the National Family Planning and Reproductive Health Association, The California Wellness Foundation, and the 30 for 30 Campaign for Women Living with HIV.

## Medicaid Defense

NHeLP updated the 2011 edition of the Advocate's Guide to the Medicaid Program, which policy makers and advocates have relied on for over 40 years to better understand the program, protect the rights of Medicaid beneficiaries and ensure compliance with federal and state laws. The new update covers the implications of the Supreme Court's ACA decision and Medicaid Expansions. Subscribers will receive an updated version in January. [Click here](#) to purchase the guide.

Last year, NHeLP and co-counsel, Legal Services of the Southern Piedmont and Disability Rights North Carolina, obtained an injunction halting cuts to personal care services for thousands of Medicaid beneficiaries in *Pashby v. Cansler*. The North Carolina Medicaid agency challenging the decision appealed to the Fourth Circuit Court of Appeals, and in September, NHeLP attorney Sarah Somers argued on behalf of the Plaintiffs defending the injunction. A decision is pending.

NHeLP defended the rights of Medicaid beneficiaries and eligible persons in [written testimony](#) , authored by Michelle Lilienfeld, before the House Energy and Commerce Committee, Subcommittee on Health for the hearing entitled “Examining Options to Combat Health Care Waste, Fraud and Abuse.” The testimony opposed the use of biometrics to verify the identity of Medicaid beneficiaries because such measures create new barriers to enrollment and care and are not cost effective.

NHeLP remains actively involved in ensuring that California’s planned transition of over 800,000 children from the Healthy Families Program (California’s CHIP Program) to the Medi-Cal Program is carried out in a legally responsive manner. NHeLP [submitted comments](#) on the state’s Section 1115 waiver request, on behalf of the California Coverage and Health Initiatives, Children Defense Fund, Children NOW, Maternal and Child Health Access, The Children’s Partnership, and the Western Center on Law and Poverty.

NHeLP published a number of issue briefs defending Medicaid. NHeLP analyzed California’s safety net law in light of the bridge to health reform waiver under the ACA and the potential impact on low-income individuals. [Read the issue brief here](#) . NHeLP’s [Update on Private Enforcement of the Medicaid Act Pursuant to 42 U.S.C. § 1983](#)

, addresses challenges that Medicaid beneficiaries and applicants have when seeking to enforce their rights. And NHeLP’s

[Q&A: Responding to Medicaid Coverage Exclusions and Monetary Caps: A Review of Recent Cases](#)

, answers questions raised by three recent decisions that prohibit state Medicaid agencies from denying medically necessary services to Medicaid beneficiaries.

## NHeLP in the News

**The Huffington Post** featured a blog post by Emily Spitzer, Health Care Reform: What’s Next? November 16, 2012. [Read the blog post here](#) .

**ED Legal Letter** quoted Mara Youdelman, Do You Rely on “Ad Hoc” Interpreters in Your ED?, November, 2012. [Read the article here](#) .

**News 14 Carolina** quoted Corey Davis, Advocates Push for Good Samaritan 911 Law, October 25, 2012. [Read the article here](#) .

The **Clearinghouse Review** published an article by Gary F. Smith, Gill Deford, Jane Perkins and Mona Tawatao, providing a summary of issues affecting access to federal courts in the 2011 term. [Read the article, “Beyond the Affordable Care Act Decision: Federal Access Issues in the Supreme Court’s 2011 Term,” here](#) .

**The Wall Street Journal** published a letter from Emily Spitzer, Medicaid Block Grants Hurt the Poor, October 19, 2012. [Read the letter here](#) .

**Congressional Quarterly Health Beat** referenced NHeLP’s work in AHA Urges Delay in IRS Rule Prodding Nonprofit Hospitals to Deliver More Charity Care, September 25, 2012.