

## Highlights of Our Recent Activities and Accomplishments

### SUBJECTS COVERED

[Health Reform Implementation](#)

[Reproductive Health](#)

[Medicaid Defense](#)

[Publications](#)

[NHeLP in the News](#)

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](#) ! And last but not least, stay tuned for a new and improved NHeLP website, launching this Spring!

### Health Reform Implementation

HHS closed out 2012 and ushered in the new year with a flood of new regulations and rules implementing health reform, keeping NHeLP and health advocates across the nation busy.

- NHeLP took the lead in commenting on the giant Exchange/Medicaid regulation issued by HHS and developed [extensive written comments](#) that advocates across the country relied on. NHeLP's comments address critical regulations setting out a number of new key policies, such as Medicaid cost-sharing rules, Medicaid and Exchange appeals policies, and Medicaid Expansion benefits packages. NHeLP also developed a handy

## [Executive Summary](#)

providing a quick glimpse at some of the key issues in the mammoth regulation.

- NHeLP commented on the proposed Essential Health Benefits (EHB) standard that addresses important topics including cost-sharing and actuarial value. [NHeLP's comments](#)

emphasize the need for HHS to require adequate coverage in the 10 EHB areas required by the ACA and improve the process and resources for consumer stakeholder input. Since then, HHS released its final regulation on the EHB standard, setting out the benchmarking and gap-filling process states will use to define the standard.

- NHeLP [submitted comments](#) on the model, single streamlined application released in late January by the Centers for Medicare & Medicaid Services (CMS). The single streamlined application will make it easier for consumers to obtain health coverage through Medicaid, CHIP, and other insurance affordability programs, including tax credits that individuals can use immediately to purchase coverage. NHeLP also helped draft and circulate a letter signed by more than 270 organizations urging CMS to translate the application into at least 15 languages.

NHeLP has been working to encourage all states to adopt the ACA's Medicaid Expansion, and we are seeing successes. So far, eight Republican governors have agreed to the expansion, including Rick Scott of Florida. These states put health over politics and made the right decision to take up the federal government's generous funding to expand Medicaid programs under health reform. NHeLP has advocated for full expansion since the Supreme Court's ruling last June and released a series of documents highlighting fiscal analyses of the Medicaid expansion.

- [NHeLP's Guide for Evaluating Fiscal Analyses of the ACA's Adult Medicaid Expansion](#)
- [Top Five Myths and Facts about the Cost of the ACA's Adult Medicaid Expansion](#)
- [Coverage for Lower-Income Adults: Exchange versus Medicaid](#)
- [Issue Brief: The Importance of Medicaid as an Entitlement Program to Address Reproductive Health Disparities](#)



## Reproductive Health

Despite the Supreme Court's decision last June, numerous lawsuits challenging the ACA continue to move forward. These suits challenge different aspects of the ACA, including the maintenance of effort provision and the employer mandate. What has received the most attention is the requirement that employers offer contraceptive coverage as part of their employer-based health insurance. This provision alone is under attack in more than 40 pending lawsuits by employers who are demanding the right to make contraception decisions for their employees.

These challenges are on-going despite the administration's exemption for churches and other houses of worship, and its one-year postponement of the requirement for many nonprofit, religiously affiliated organizations while the administration works out a long-term accommodation for those institutions. NHeLP opposes these challenges since they conflict with evidence-based standards of medical care that recognize that contraception is essential preventive care for women. NHeLP recently filed an [amicus brief](#) in *Frank R. O'Brien v. U.S. Dept. of Health & Human Services* -- a challenge to the contraception requirement by a for-profit, manufacturing business. NHeLP also filed an [amicus brief](#) in *Korte v. Sebelius*, a challenge by a construction firm in Illinois, on appeal to the Seventh Circuit. NHeLP is closely monitoring these cases and will be filing additional briefs in many of the other contraceptive challenges.



NHeLP's Susan Berke Fogel served as the plenary speaker at the Women's Policy Summit: Advancing Women's Health, Wealth & Power, on January 17 at the Sacramento Convention Center. The event was attended by more than 500 policymakers, state agency representatives and advocates from across California.

## Medicaid Defense

NHeLP and co-counsel Empire Justice Center obtained class-wide preliminary injunctive relief in *Davis v. Shah*, a case challenging New York's Medicaid program's ability to deny crucial medical equipment to Medicaid enrollees. The preliminary injunction means that thousands of New York Medicaid beneficiaries with disabling and chronic conditions now have access to medically necessary orthopedic shoes and compression stockings.

NHeLP, with the pro bono assistance of Hogan Lovells, filed an amicus brief with the Ninth Circuit in support of the plaintiffs' petition for rehearing en banc in *Managed Pharmacy Care v. Sebelius*.<sup>11</sup>

The brief supports the Medicaid providers who are challenging the Ninth Circuit's decision allowing California to reduce its already-low Medicaid rates by 10 percent. Such a reduction will seriously jeopardize Medicaid recipients' access to services. The decision sets bad precedent regarding the deference a court will grant the HHS secretary to approve a Medicaid State Plan Amendment, and regarding a court's role in reviewing an agency's decision under the Administrative Procedure Act.

## Publications

Still confused about Medicaid? NHeLP's newly updated fourth edition of the Advocate's Guide to the Medicaid Program is the go-to resource for policymakers and advocates who need to better understand the program, protect the rights of Medicaid beneficiaries and ensure compliance with federal and state laws. The update references all of the major developments in Medicaid law over the past year and a half, including new guidance from the Centers for Medicare & Medicaid Services and the Supreme Court's decision upholding the Affordable Care Act. [Purchase the guide here](#).

[Juvenile Justice and Medicaid](#) -- a supplement to the [North Carolina Juvenile Defender Manual](#) -- is now available. Authored by NHeLP and funded by a generous grant from the Public Welfare Foundation, "Juvenile Justice and Medicaid" is written to assist juvenile defenders working with children who are or may be eligible to receive Medicaid -- a program that already covers 27 million children and teenagers. This resource includes an introduction to basic Medicaid rules and a discussion of services that may be available to children involved with the juvenile justice system in North Carolina.

## NHeLP in the News

***The Washington Post*** quoted Leo Cuello, "Arkansas Plan Shows that Health Care Law's Medicaid Expansion Leaves Flexibility for States," March 9, 2013. [Read the article here](#)

***The Huffington Post*** featured a blog post by Emily Spitzer, "Back to School: A Course on Leadership," March 7, 2013. [Read the article here](#) .

***The New York Times*** quoted Byron Gross, "States Can Cut Back on Medicaid Payments, Administration Says," February 25, 2013. [Read the article here](#) .

***The Boston Globe*** covered a Medicaid lawsuit in Maine where NHeLP is co-counsel, "44,000 to Lose Medicaid Coverage in Maine," February 23, 2013.

**The Maine Public Broadcasting Network** covered a Medicaid lawsuit in Maine where NHeLP is co-counsel, "Groups Sue Feds to Block Maine Medicaid Cuts," February 21, 2013.

[Read the article here](#)

.

**Bangor Daily News** covered a Medicaid lawsuit in Maine where NHeLP is co-counsel, "Advocacy Group Files Suit to Stop Medicaid Cuts Set to take Effect March 1," February 21, 2013.

**Portland Press Herald** covered a Medicaid lawsuit in Maine where NHeLP is co-counsel, "Maine Group Sues Federal DHHS to Stop MaineCare Cuts," February 21, 2013.

**Kaiser Health News** quoted Jane Perkins, "Medicaid Helps Hospitals Pay for Illegal Immigrants' Care," February 12, 2013.

[Read the article here](#) .

**The Huffington Post** featured a blog post by Emily Spitzer, "Welcome to the Regulatory Jungle," February 11, 2013.

[Read the blog post here](#) .

**Arizona Republic** covered an Arizona Medicaid co-payment lawsuit where NHeLP is co-counsel, "Federal Judge: AHCCCS Copays Need Rethinking," February 9, 2013.

**National Journal** quoted Mara Youdelman, "Fate of 'Obamacare' May Rest with Hispanics," February 7, 2013.

**Fayetteville Observer** quoted Corey Davis, "Advocates Say Access to Antidote for Painkiller Overdoses Would Save Lives," February 6, 2013.

NHeLP's Debbie Reid co-presented for the Black Women's Health Imperative's monthly Blog Talk Radio Show, Why Should Black Women Care about Medicaid and its Expansion?, January 30, 2013.

**The Network for Public Health Law** featured a blog post by Dipti Singh, "Women's Access to Birth Control: Court Challenges," January 23, 2013. [Read the blog post here](#)



**The New York Times** quoted Leo Cuello, "Many Medicaid Patients Could Face Higher Fees Under a Proposed Federal Policy," January 22, 2013. [Read the article here](#)

The **Clearinghouse Review** published an article by Jane Perkins, "The Supreme Court's Affordable Care Act Decision on Medicaid Eligibility and the Aftermath," January-February, 2013. [Read the article here](#) .

**The Huffington Post** featured a blog post by Emily Spitzer, "Fulfilling the Promise of *Roe v. Wade* : Let's Start with the President's Budget," January 22, 2013. [Read the article here](#)

NHeLP attorneys Mara Youdelman, Leo Cuello and Erin Armstrong participated in a number of interviews as part of Families USA's annual radio row. Programs included nationally syndicated shows such as Take Action News, Inside Government Radio and The Richard Fowler Show.