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An Update on Health Care Reform What did the U.S. House Pass? What's Next?

On Saturday, November 7, 2009, by a close vote of 220-215, the U.S. House of Representatives passed HR 3962, the "Affordable Health Care for America Act." This bill would significantly expand health insurance coverage for millions of Americans and impose new regulations on the insurance industry, among other things. The vote is an important step in a major effort being pushed by the White House and Democratic Congressional leadership to enact sweeping health care reform legislation this year.

The vote was not only historic, but was a nail-biting process for supporters of this legislation. Before the final tally, it was unclear if there were enough votes to secure passage, which is highly unusual. For major pieces of legislation such as this, leadership in Congress rarely brings a bill to a vote unless it is clear there are enough votes for passage. Supporters of the bill, such as Representative Anthony Weiner (D-NY) stated, "Americans deserve quality, affordable health care, and tonight's vote took them one step closer to it." One lone Republican, Representative Anh Cao of Louisiana voted yes for HR 3962. At the same time, 39 Democrats did buck their party and voted against the bill. Opponents of the bill decried it as a "government takeover" of health care.

Passage of HR 3962 almost got derailed however, by one of the "third rail" issues of politics - abortion. In order to win the support for moderate Democrats who do not favor allowing government funding for abortion services, House Speaker Nancy Pelosi allowed an amendment to be introduced on the floor that would prohibit public dollars from being used to subsidize any health insurance policies that included abortion coverage and also banned the public plan from covering abortion services. Sponsored by Michigan Representative Bart Stupakhe, the amendment passed 240 - 194.

The House bill does include language that would create a new, government-run health insurance option that would be made available to individuals through the Health Insurance Exchange. Language was included however, to prevent employers from trying to shift their employees onto such a plan. The fate of the so-called "public option" seems precarious in the Senate, where Connecticut Senator Joe Lieberman (D-I) has publicly said he would support a filibuster of health care reform if it included a government-run plan. Senator Lieberman said on CBS News: "The public option I think was raised in the last year by people who really want to have a government-controlled health insurance system. That's their right. I think they're wrong." Without the support of all 58 Democrats and both independents, health care reform will have a very difficult time passing in the Senate. Senator Olympia Snowe, one of the possible Republican defectors on health care, has also raised concerns over the creation of such a plan.



Village Care of New York is a non-profit organization that offers comprehensive care for persons living with HIV/AIDS and for older adults with chronic and continuing care needs.

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One alternative that has been floated in the Senate is allowing states to create their own government-run health insurance plan if they so choose, in lieu of a federal government-run insurance plan. Then, individual states could selectively choose if they want to allow their state's residents (and perhaps small businesses) to have the choice of selecting a public option. This may be the only way that a public option has the chance of passing in the Senate, if at all.

Saturday's vote for HR 3962 is but one more step in a long journey that has many more steps to go.

The Senate is still grappling with two different health care reform bills that have passed out of separate committees. The one health reform measure that has specific measures addressing long-term care is the late Senator Edward Kennedy's CLASS Act (which stands for the Community Living Services and Support Act). Under CLASS Act provisions, individuals would contribute a portion of their paychecks to a federal trust. They would then be able to draw from the trust if they became disabled. The program would help to defray Medicaid costs and allow people to receive care in their homes. The fate of CLASS Act provisions is unclear.

The Senate must still rectify differences in their own chamber over health care, secure passage, and then go into conference committee with the House over what will undoubtedly be major differences between each chamber's bill. And that's assuming the Democrats in the Senate can keep all 58 of their members in line plus the two independents (Senator Lieberman and Bernard Sanders of Vermont). Some are hopeful that two Republicans may side with Democrats in supporting legislation in the Senate, Susan Collins and Olympia Snowe, both from Maine. Their support, especially that of Senator Collins, is far from certain though.

President Obama has repeatedly stated he wants health reform settled during 2009, and the leadership in both the House and the Senate have said they are aiming to complete legislation by the end of the year. Senate Minority Leader Mitch McConnell (R-Ky.) has said, however, that he intends to do everything in his power to slow the bill's progress.

For persons living with HIV/AIDS (or anyone with a chronic, expensive-to-treat medical condition), there is much in the House's recently approved bill to support.

It would ban the insurance industry practice of denying or reducing coverage for pre-existing health conditions, prohibits lifetime caps on coverage and plac-

es limits on out-of-pocket costs (such as co-pays and deductibles). It would also greatly expand Medicaid to 150 percent of poverty and eliminate categorical eligibility requirements so that everyone who is low-income is covered, including those living with HIV who have not yet progressed to AIDS. For individuals making over 150 percent of poverty, there would be health insurance exchanges where individuals can purchase private insurance and also offer subsidies to assist with the premiums.

Accompanying this edition of AIDSWatch as a summary of the significant elements of the House Affordable Health Care for America Act.

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