

Arizona Autism Coalition

Legislative Issues for 2012

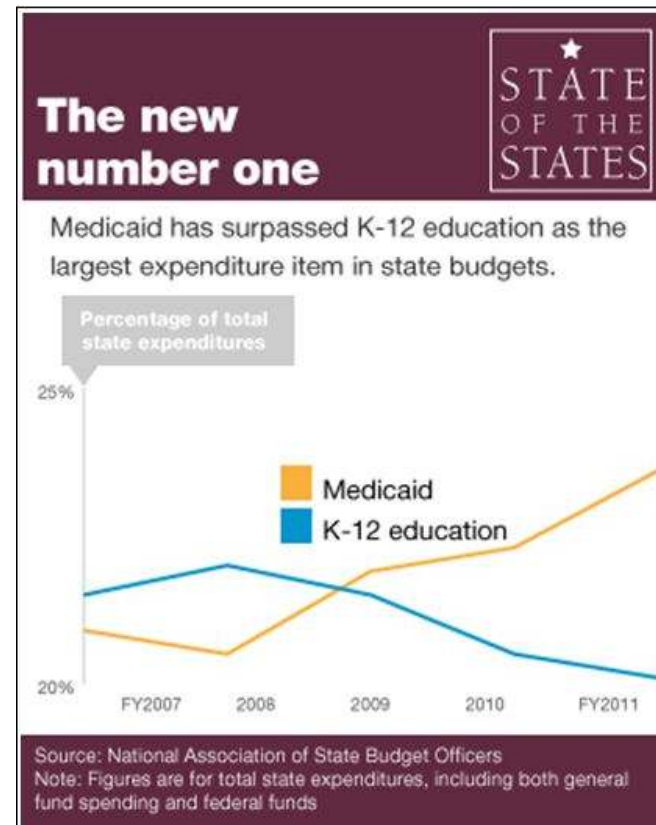
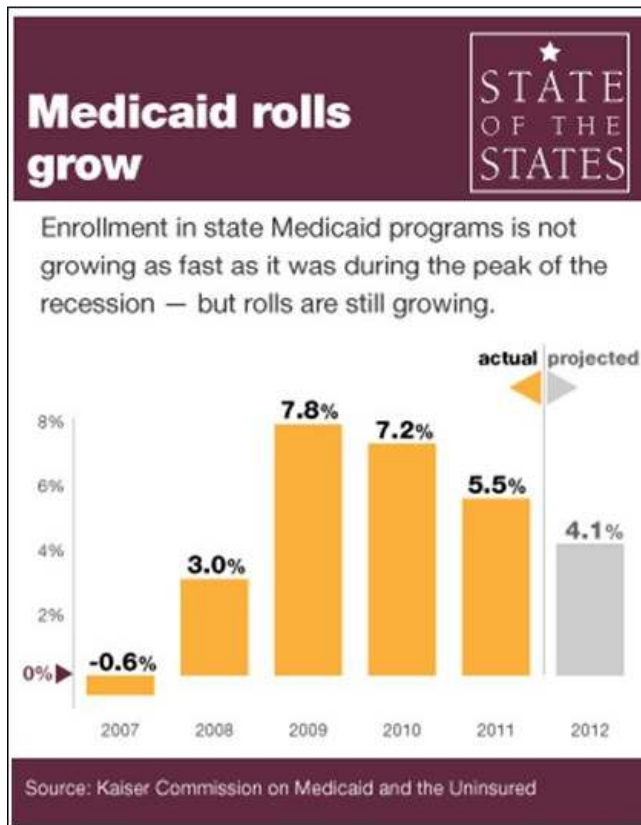
Today we will discuss....

Essential Benefits and
Mandate Opposition Legislation

Essential Benefits

- A set of health care service categories that must be covered by certain plans, starting in 2014.
- The Affordable Care Act defines essential health benefits to “include at least the following general categories and the items and services covered within the categories:”
 - ambulatory patient services
 - emergency services
 - hospitalization
 - maternity and newborn care
 - mental health and substance use disorder services, including behavioral health treatment
 - prescription drugs
 - rehabilitative and habilitative services and devices;
 - laboratory services
 - preventive and wellness services and chronic disease management;
 - pediatric services, including oral and vision care
- Insurance policies must cover these benefits in order to be certified and offered in Exchanges
- All Medicaid State plans must cover these services by 2014
- The Department of Health and Human Services is working with a number of partners to develop the essential health benefits package. In the fall of 2011, HHS announced that each state will manage and implement their own exchange.

Two years ago, Medicaid eclipsed K-12 education as the most expensive item in state budgets. Since then, it has only kept growing. Medicaid now comprises 24 percent of state budgets, when federal funds are counted. That's up from 22 percent last year, according to the National Association of State Budget Officers. The upward spiral seems to be continuing. Even as states get ready to write their budgets for fiscal year 2013, which starts in July in most states, half of them expect to be wrestling with Medicaid shortfalls in their 2012 budgets, according to a survey by the Kaiser Family Foundation.



What we know...

- Don Hughes, former AZ lobbyist for America's Health Insurance Plans tasked with creating Arizona's Essentials Benefits package.
- Arizona may be able to avoid including autism insurance coverage in the exchange essential benefits package simply by limiting participation to individuals and small employers limited to those with 50 or < employees before 2016. Then insurance coverage of autism treatment as per Steven's Law would not be a state mandate. <http://www.premierinc.com/advisorlive/Presentations/PPACA%20Advisory.pdf>
 - Effective January 1, 2014, the state-based exchanges are created. Although primarily for individuals, small employers (employers with 100 or fewer employees) may participate. For years before 2016, a state may limit small employers to those with 50 or fewer employees. Beginning in 2017, states may allow employers of any size to participate.
- Arizona currently has 27 commercial health insurance companies that issue individual health insurance and 32 companies that issue small group insurance plus a state-sponsored [pre-existing condition insurance plan](#). These standard policies may be more expensive than some residents can afford.

What else we know...

- **The Goldwater Institute's 11/4/2011 Health Exchange Policy Memo**
 - Advocates that the Affordable Care Act is unconstitutional
[http://www.goldwaterinstitute.org/sites/default/files/11-4-11%20%20Health%20exchange%20policy%20memo%20\(2\).pdf](http://www.goldwaterinstitute.org/sites/default/files/11-4-11%20%20Health%20exchange%20policy%20memo%20(2).pdf)
 - The New York Times article disagreeing that ACA is unconstitutional:
http://www.nytimes.com/2011/12/26/us/goldwater-institute-an-aggressive-conservative-watchdog.html?_r=1
- **Will states be able to include state-mandated benefits in their EHB packages?**
 - Some states have passed insurance mandates requiring health plans to cover certain types of services or treatment for certain disorders such as autism. The ACA does not prohibit states from applying these mandates to insurance products after 2014, but states are responsible for the costs of any mandates that fall outside the 10 benefit categories. The new HHS bulletin proposes to give states a two-year transition period (2014-2015) during which they will not have to pay the cost of additional mandated benefits.

And finally...

- **Is behavioral health included in the EHB package?**
 - As noted above, the ACA expressly identifies mental health and addictions treatment services as essential benefits, along with rehabilitative and habilitative services. However, the extent to which specific behavioral health services are covered will depend in large part on which existing insurance plan each state selects as its “benchmark” plan – that is, the plan on which the EHB package in that state will be based. If the state selects a plan with slim coverage of behavioral health services or a strict interpretation of what is considered “rehabilitative” services, it could affect individuals’ ability to access these services.
- **Does parity apply to EHB?**
 - The HHS guidance confirms that the 2008 Mental Health Parity and Addictions Equity Act applies to individual plans as well as small group plans – a provision that was inserted into the law as an amendment by Senator Debbie Stabenow (D-MI) during the health reform debate. If the plan that a state selects as the benchmark plan does not currently comply with the parity law, modifications must be made to the benefits package to bring it into compliance with parity.

What can I do?

- Get involved and stay informed! <http://www.azautism.org/>
- Submit a comment about the 12/16/2012 HHS bulletin giving states the responsibility to determine the essential benefits package for their own exchange via email to EssentialHealthBenefits@cms.hhs.gov by 1/31/2012
 - <http://www.healthinsurance.org/blog/2011/12/21/how-health-reforms-10-essential-benefits-could-improve-your-insurance-coverage/>

Senator Barto Reintroducing in 2012! SB1593 and McClain Amendment

- SB1593 would have permitted corporations to avoid minimal requirements put in place by the state of Arizona to protect consumers. If this bill passed, corporations would have been able to purchase health insurance in states that permit insurers to exclude all Arizona health mandates, including screening newborns, immediate coverage of newborns, mental health coverage, and autism treatment coverage.
- **McLain Amendment proposed all Arizona health mandates be repealed for all health insurance policies**, even those written in Arizona.
- State and nationwide grass roots campaign initiated prior to bill passing in both the Senate and House. Sent to Governor Brewer for signature second week of April.
- Ads encouraging Governor to veto bill ran on tv, print media and social media used as well.

Mandate Opposition?

- [Health Insurance Companies](#)
- Other professions that believe they should be able to provide ABA services
 - Dislike the idea that BCBA is the recognized credential

Autism Speaks Neighbors Ad

**Autism Speaks
"Neighbors/Arizona"
TVAUT-0418-01
:30
April 18, 2011**

Governor Vetoes SB1593!

Brewer: Comments ran 2-to-1 against interstate insurance bill

By Paul Davenport, Associated Press

Published: April 29, 2011 at 1:45 pm

- Gov. Jan Brewer's office says recent public comments received about a health insurance bill that she vetoed Thursday **ran more than 2-to-1 against** the measure. Brewer's office on Friday responded to a public records request by The Associated Press by releasing a tally of public comments received during seven days through April 27.
- According to the tally, **2,319 comments were received against the health insurance bill while 1,028 were in support.**
The insurance bill got the most comments during the period.
- It would have allowed insurers licensed outside Arizona to offer policies in Arizona without following Arizona coverage mandates. It also would have opened the door for in-state insurers to reduce coverage.
- The tally also showed **stronger opposition than support for bills to privatize city services and limit state spending.**

We have met with:

- ✓ Representative Urie
- ✓ Representative Fransworth
- ✓ Senator Barto
- ✓ Senator McCommish
- ✓ Governor's office

Coalition is collaborating with Autism Votes

Concerns

- Governor may not veto bill if it gets to her desk in 2012. She does not have to sign in order for it to become law.
- If bill is reintroduced, passed and then subsequently vetoed by Governor Brewer in 2012, bill can still go back to legislature and become law. Best to not let it pass out of committees!
- Many freshman legislators who may/may not understand complexities and impacted individuals.

Next Steps

- [Contact](#) the Coalition if you are interested in joining Legislative Council.
- Teams of professionals and family members will be meeting with legislators to prevent bill from getting to Governor's desk.
- Impacted individuals will be asked to write letters, make phone calls, etc. Be ready to communicate your concerns!

Stay Informed Using Social Media

Facebook



Website



Lunch on the Senate Lawn

What: Arizona Autism Coalition Lunch on the Senate Lawn

Where: Senate Lawn, Arizona State Capitol, 1700 West Washington, Phoenix, AZ 85007-2890

When: Monday, February 27, 2012 at 11:30AM

Join the Arizona Autism Coalition for a lunch and greet event with your Arizona State Legislators. We will be serving boxed lunches made by Vocational Students from [ACCEL](#). All are welcome and encouraged to attend.

Contact Us

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