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## Health Law Birthday Hoopla: Is the Party Over Yet?

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Chatter about sending birthday cakes to members of Congress. Press conferences two weeks ahead of time. Forums with speakers pro and con. Op-ed pieces and special issues. Still nine days away, the first anniversary of the health law is already starting to feel like a birthday party that's gone on too long, where there's too much noise and too much food and the kids are getting cranky.

And this is before the Obama administration even reveals its schedule of events to mark the occasion and health law supporters announce an array of other events later this week.

The six-month anniversary of the law gave the White House the opportunity to promote consumer protections that were taking effect the same day -- a real public-relations edge.

This time, opponents of the health law won't get outflanked.

One reason is that the year-one milestone doesn't mark the effective date of any major provisions of the overhaul. Another is that opponents of the measure are organizing to use the first-year hook to highlight their position on the law.

On Monday evening, health law opponents gathered at the Capitol Visitor Center for pepperoni and opprobrium at a "Pizza and Policy" forum sponsored by DeFundit.org, the Galen Institute, and Heritage Action, among other groups. Among the scheduled speakers were Tea Party darlings Reps. Michele Bachmann, R-Minn., and Steve King, R-Iowa, along with Sen. Tom Coburn, R-Okla, Cato Institute Scholar Michael Cannon, and Rep. Denny Rehburg, R-Mont., a leader in the drive to take away funding for the law. "Free pizza!" a flier for the forum proclaimed.

On the other side of the issue, there was talk among overhaul supporters of sending birthday cakes to at least some members of Congress to mark the occasion, prompting a quip from Sen. Orrin G. Hatch that his cake would probably arrive C.O.D.

An Obama administration official said the anniversary isn't an empty PR exercise, adding that anniversaries get people to pay attention. And there are new developments under the law to promote, the official insisted.

The filing of tax returns by small businesses will bring to light the tax credits small employers can take to reduce the costs of covering their workers, the official said. Small businesses can take a credit equal to 35 percent of their premium costs. "All indications are very positive" that small businesses are taking up the credit, the official added. Once returns are filed, a tally will be available of how many actually did so.

Don't look for fresh novelty acts to liven up the occasion. The Senate Finance Committee plans a hearing Wednesday to discuss ways the law is benefitting Americans, "particularly seniors in Medicare," announced Chairman Max Baucus, D-Mont. On tap to testify are witnesses whose views on the health law have been repeated many times on Capitol Hill and elsewhere: HHS Secretary Kathleen Sebelius and former Congressional Budget Office Director and McCain campaign adviser Douglas Holtz-Eakin, now the president of the American Action Forum, a nonpartisan public policy research institute.

But Democrats can ill afford to ignore the first-year mark, given a dearth of promotional opportunities in the months

ahead.

Paul Ginsburg, president of the Center for Studying Health System Change, a think tank that tracks changes in the health care market, said in an interview that the upcoming year will include action on things like accountable care organizations and health insurance exchanges that are of interest to policy insiders, but not to the public at large.

"We're almost suspended," Ginsburg said. "The majority of news about the law is going to be from the courts." To the extent that rulings go against the law and generate critical press coverage, Democrats won't have big new provisions to highlight as a counterweight. The real benefits of the law are far off, he said, referring to the coverage expansion provisions that don't take effect until 2014.

As Republicans ramp up later this year for the presidential primaries, there will be lots more coverage of people attacking the law as GOP contenders try to outdo each other in saying what a bad idea the overhaul is. "That really is a problem" for Democrats, who probably aren't going to go through a similar news-generating process to select their candidate, he added.

"It's not the ribbon cutting where the highways open and a million people are going to drive over the San Francisco bridge," said Robert Blendon, a professor at Harvard University's School of Public Health. "This is essentially an anniversary where the big bang of the bill doesn't come for a number of years."

"The drama pictorially would be, particularly in states with high uninsured rates, how many people would suddenly have an insurance policy, and they wouldn't be going to emergency rooms and looking for free clinics, they actually would be trying to enroll with primary care doctors. That, as a picture, would be very dramatic," Blendon added. "But that is a number of years off."

Blendon and Ginsburg say first-year hoopla about the law won't move the needle on public opinion about the measure, which according to Blendon hasn't budged since March of a year ago.

There's almost been no change since last March in how the public views the overhaul, Blendon said. "Since March, the majority of Americans have neither favored nor opposed the bill," he said. A running average of eight independent polls on the health law on pollster.com shows that in general about 48 percent oppose the law and 42 percent support it, he said.

But there is one development that could really change those numbers, he added.

"The Supreme Court either saying very clearly, and not just by one vote, that it's constitutional or unconstitutional would knock legs out of that either way," Blendon said, referring to the lack of a clear verdict by the public. "If part of the bill is ruled unconstitutional, I think it would affect some of the supporters who ... would be concerned that a bill that they were told is constitutional turned out not to be. It would raise doubts about how the rest of the bill might work out."

And if there is a clear ruling in favor of constitutionality, that would sway opinion too.

"I think a share of the people who oppose the bill would feel that it should be given some chance here. Blendon continued. "If it really is constitutional, I think it's going to raise doubt in their minds that this thing should be repealed, as distinct from, 'Let's see what it does and work on it later.'"

Blendon predicted that the ongoing congressional hearings opposing or supporting the law won't make a big difference in the public's views.

It's not the kind of thing that people outside of Washington would pay a lot of attention to, he said.

"What people sort of miss is, this has become an incredibly partisan issue and what either side wants to do is fire up their group for the 2012 election."

Republicans "want people who are on their side to really feel that they have to change this administration, and this bill is a problem, and if they win in 2012 this bill is going to go," Blendon said. Both sides "really are going to spend a lot of time convincing their own community that keeping or getting rid of this bill is really important, but they may not shift a lot of people on the edges in the course of this."

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