

National Journal

Final Enrollment Stretch - Health Care Edge: Brought to you by the Coalition to Protect America's Health Care

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Growing pains: The Affordable Care Act turned four years old Sunday, and the pressure of getting older is hitting immediately as we enter the last week of open enrollment. President Obama used the anniversary as an opportunity to tout the benefits of the law, and to remind Americans that this is the "last call" to enroll in coverage for 2014. Officials are racing to sign up as many individuals--particularly young people, mothers, and Latinos--as possible before the deadline, and expect a last minute surge that could bring the total exchange enrollment from the current 5 million to over the revised 6 million target from the Congressional Budget Office. The administration has been adamant that the March 31 deadline will not be extended, though guidance is expected that would allow those who tried to enroll on the federal marketplace but were prevented from doing so by website problems to sign up after the deadline, and a few state exchanges are pursuing similar exceptions. Meanwhile, Republicans used the anniversary to highlight what they say are signs the law is not working, such as plan cancellations and narrow provider networks. The ACA also faces two major court challenges this week: the D.C. Circuit Court of Appeals will hear arguments against the provision of tax credits for insurance purchased through the federal marketplace, and the Supreme Court will weigh the requirement that employers provide birth control against religious freedom arguments. Both will be Tuesday, and both could have serious implications to the health law, if successful.

Top Health Care News

THE OBAMAS WILL ENCOURAGE ACA ENROLLMENT WHILE OVERSEAS: The president and first lady will use various media outlets this week to encourage individuals to sign up for insurance coverage ahead of the end of the open enrollment period March 31. (Juliet Eilperin, Washington Post)

OBAMACARE GLITCH FIXED, BUT PROBLEM MAY PERSIST ON OTHER SITES: For 35 days, *Healthcare.gov* used the wrong year's federal poverty-level guidelines for assessments of financial assistance eligibility, leading people to be told they were not eligible for federal subsidies for insurance coverage when they should have been. The error did not impact

the official determination when individuals applied for coverage, but could have discouraged people from applying at all. (Don Sapatkin, Philadelphia Inquirer)

Outreach

DEMOCRATS ON OFFENSE ON OBAMACARE: "The tightly coordinated final push was the result of work between the White House and House and Senate "healthcare strike teams," which were created in the aftermath of the botched ObamaCare rollout to push back against a flood of bad headlines. The White House has provided members of Congress with packets that detail state-by-state benefits of the law, and what the cost of repeal would mean for constituents within their districts. A White House official says the data can be used to "amplify" the new effort ahead of the March 31 deadline." (Justin Sink and Elise Viebeck, The Hill)

CONNECTICUT ACA EXCHANGE OPENS TWO RETAIL STOREFRONTS: Access Health CT says 10,000 people have walked into on of the two retail stores, and 5,000 people have enrolled in coverage. (Jeff Cohen, NPR/WNPR)

HUMANA BUS HANDLES OBAMACARE SIGN UPS IN MISSISSIPPI: "It took some real convincing by the Obama administration and a leap of faith by one state Republican official to get one of the nation's largest insurance companies—Humana—to set up shop across Mississippi. Virtually no other insurer was willing to do so, discouraged by the acute health needs here and most elected officials' outright hostility to the law. Four months and more than 200 bus stops later, enrollment numbers here remain dismal. Only 9 percent of the state's Obamacare-eligible population have signed up, putting it near the bottom of yet another national statistic." (Jennifer Haberkorn, Politico)

CALIFORNIA EXCHANGE TO PROMOTE ACA AT CVS, RALPHS: "The state said it will have health insurance information displays at the front of CVS stores. At Ralphs supermarkets, shoppers can get brochures and other information, hear in-store announcements and see messages on their receipts about health coverage." (Chad Terhune, Los Angeles Times)

OFA: DON'T TREAD ON MY OBAMACARE: "Organizing for Action is taking a page out of the tea party's playbook, giving out pro-Obamacare stickers fashioned to look like Gadsden Flags." (Aaron Blake, Washington Post)

WHERE ARE THE POSITIVE OBAMACARE STORIES? "If you want to show something is flawed,' [Andy] Goodman says, 'you just have to point out one flaw.' Against that argument, supporters of the Affordable Care Act would have to make the case that it's perfect — and nothing ever is perfect." (Michael Hiltzik, Los Angeles Times)

Implementation

ENROLLMENT HURDLE FOR MARRIED INDIVIDUALS WHO FILE TAXES SEPARATELY: A quirk in the ACA currently does not allow individuals who are legally married but file taxes separately--including those who are abused by their spouses, in prison, or

soon-to-be divorced--to receive federal subsidies for their coverage. (Amy Goldstein, Washington Post)

UNDOCUMENTED IMMIGRANTS AFRAID TO REGISTER KIDS FOR ACA

COVERAGE: "The problem is not a new one for immigrants, who historically have lower rates of participation in government programs, in part because they fear they might flag a relative who is in the country illegally. According to a report from the Cato Institute, about 28% of low-income Americans remain uninsured, compared with 59% of non-citizens, many of whom qualify for Medicaid and other health care programs. It's impossible to know how many parents have steered clear of ACA because of their undocumented status. But 4.5 million U.S. citizens have at least one undocumented parent, and 9 million undocumented immigrants live in mixed-status families, so the number could be high." (Alan Gomez, USA Today)

THE HOUSE HAS VOTED 54 TIMES IN FOUR YEARS ON OBAMACARE: Here's the full list. (Ed O'Keefe, Washington Post)

Contraception

EVERYTHING YOU WANTED TO KNOW ABOUT THE CONTRACEPTION

MANDATE: The Supreme Court on Tuesday will weigh whether for-profit companies with religious objections to providing birth control to female employees can opt out of the ACA's contraception mandate. (Sophie Novack and Clara Ritger, National Journal)

THREE WAYS SCOTUS COULD RULE ON THE CONTRACEPTION MANDATE:

There are good reasons why each side could lose at the Supreme Court. (Sam Baker, National Journal)

THE LAW THAT COULD SINK BIRTH CONTROL COVERAGE: "To the law's liberal supporters, the kind of protections conservatives would come to claim under RFRA were inconceivable at the time--like the right to refuse services to a same-sex couple, or a for-profit corporation citing religious belief to deny its employees birth control. But in the years following RFRA, it became clear that liberals and conservatives had very different conceptions of what 'religious freedom' meant." (Adam Serwer and Irin Carmon, MSNBC)

Insurers

INSURANCE CHIEF: ADD 'LOWER TIER' OF ACA COVERAGE: America's Health Insurance Plans President and CEO Karen Ignagni suggests adding a lower level of health plans--between bronze level and catastrophic plans--that offers fewer benefits and lower premiums, to entice healthier consumers and keep them as part of the risk pool. (Julie Rovner, NPR)

CONSUMERS FIND HEALTH PLAN NAMES CONFUSING AND MISLEADING: "A number of insurers sell their plans under names like Select, Preferred, Premier, Exclusive, Enhanced, Essential, Essential Plus, Prime, Ultimate and Deluxe. Multiple offerings from one

company may have the same benefits and cover the same share of a consumer's costs, but go by different names." (Robert Pear, New York Times)

WELLPOINT RAISES 2014 PROFIT FORECAST: "Net income this year will be greater than \$8.20 a share, the Indianapolis-based company said today in a statement. WellPoint previously predicted earnings of more than \$8. Analysts had expected \$8.39 a share, the average of estimates compiled by Bloomberg. WellPoint expects 1 million to 1.3 million net new customers this year, an increase helped by the public exchanges set up under the health law." (Caroline Chen, Bloomberg Businessweek)

Drugs

AIDS GROUP TO PHARMA CEO: LOWER YOUR PRICES OR LOWER YOUR PAY: "The proposal ties compensation for chief executive John Martin to wider access to the drug maker's popular roster of HIV and hepatitis C treatments. The shareholder resolution from the AIDS Healthcare Foundation, which has previously lambasted Gilead and other drug makers over their pricing, was proposed in response to the recently approved Sovaldi pill for hepatitis C. Gilead priced its medicine at \$84,000 for a 12-week treatment, which works out to \$1,000 a day. As a result, AHF maintains that Sovaldi will be unaffordable for some patients." (Ed Silverman, Wall Street Journal)

HIGH COST OF HEPATITIS DRUG BRINGS LAWMAKER CONCERN: Gilead's new Hepatitis C drug costs \$1,000 a pill, which has raised concern among insurers, state Medicaid programs, and lawmakers, that the cost will prohibit those who who need it from accessing the drug. (Andrew Pollack, New York Times)

Medicare and Medicaid

NEW RULES WOULD HELP PROTECT SENIORS WHEN MEDICARE ADVANTAGE PLANS REDUCE NETWORKS: "The proposals would give beneficiaries more than 30 days' advance notice of network changes and providers at least 60 days' advance notice of a contract termination. Even Medicare officials need more advance notice – "no less than 90 days" – so they can ensure that the remaining providers "will continue to meet required network standards." Officials are soliciting suggestions on how plans should prove that their reconfigured networks are adequate." (Susan Jaffe, Kaiser Health News/Washington Post)

VIRGINIA GENERAL ASSEMBLY RETURNS FOR SPECIAL SESSION TO ADDRESS MEDICAID EXPANSION: Democratic Governor Terry McAuliffe and the Democratic-controlled Senate want the state budget to include Medicaid expansion, while leaders in the Republican-controlled House remain opposed. If the impasse is not resolved and a budget is not passed before July 1, the state government could shut down. (Associated Press)

Happening This Week

Monday

THE SUCCESSES AND CHALLENGES OF THE AFFORDABLE CARE ACT:

Democratic Senator Ben Cardin holds two events in Maryland, beginning at 9 a.m., to look at the health law and the efforts to close the STEM education gap.

ACHIEVING MEANINGFUL TRANSPARENCY IN HEALTH CARE, BETTER INFORMATION ON COST AND QUALITY: The U.S. Chamber of Commerce holds a forum from 1:30 p.m. to 4:30 p.m. to examine a council report.

HOUSE HEARING ON FY 2015 BUDGET FOR DRUGS: The deputy director of the Office of the National Drug Control Policy testifies at 3:00 p.m. before the House Appropriations Subcommittee on Financial Services and General Government.

Tuesday

SUPREME COURT TO HEAR CASES CHALLENGING THE CONTRACEPTION MANDATE: Opening arguments will be 90 minutes in the *Sebelius v. Hobby Lobby* and *Conestoga Wood v. Sebelius* cases challenging the Affordable Care Act's contraception mandate. The court will convene at 10 a.m.

OBESITY: BUILDING AN EVIDENCE BASE FOR ACTION: The American Association of Clinical Endocrinologists and the American College of Endocrinology concludes its Consensus Conference on Obesity at 9:30 a.m. at the National Press Club.

HOUSE HEARING ON FY 2015 BUDGET FOR HHS: The House Appropriations Subcommittee on Labor, Health and Human Services, Education and Related Agencies meets at 10:00 a.m. in Rayburn to hear from the public and outside witnesses.

DEVELOPMENT AID PROGRAMS TO BOLSTER HEALTH AND NUTRITION: The House Foreign Affairs Subcommittee on Africa, Global Health, Global Human Rights and International Organizations meets at 1:30 p.m.

Wednesday

MARCH HEALTHCARE UPDATE FROM BLOOMBERG GOVERNMENT: A 2 pm. webinar with Bloomberg health analysts look at the state of the Affordable Care Act enrollment, the president's health care budget request, and the SGR.

AMERICA'S ADDICTION TO OPIOIDS: HEROIN AND PRESCRIPTION DRUG ABUSE: The Senate Caucus on International Narcotics Control holds a hearing at 2:30 p.m.

Thursday

HOUSE HEARING ON FY 2015 BUDGET FOR FDA: The House Appropriations Committee's Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Subcommittee will hold a hearing in Rayburn at 10 a.m.