

Health Care Reform Advisory: Health Care Remains Front and Center Despite Packed Legislative Calendar

9/16/2010

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As Congress returns to work after an August recess that saw continued implementation of the Affordable Care Act (ACA), health care reform remains a central component of the legislative agenda until Congress adjourns in early October. Among the first items on the legislative agenda for the Senate is the small business bill with votes on Republican and Democratic solutions to address certain ACA provisions that have recently caused an outcry of opposition. In preparation for the Senate's return, business groups and conservative-leaning organizations such as the Heritage Foundation and the U.S. Chamber of Commerce have launched new campaigns asking the Senate to repeal the ACA's new 1099 tax filing mandate, which is described as "onerous" by those groups. Senator Voinovich (R-OH) indicated over the August recess that he would likely support the previously stalled small business bill as long as this issue is addressed, and his support would give Democrats the votes to proceed. With competing proposals to calm the outrage among businesses, Senate Majority Leader Harry Reid (D-NV) and the Democratic leadership decided to allow votes on two proposals, one by Senator Mike Johanns (D-NE) to repeal the provision entirely, and one by Senator Bill Nelson (D-FL). Senator Johanns, whose amendment would repeal the provision entirely, proposed to offset the cost of his proposal by taking money from the Prevention and Public Health Fund established by the ACA to pay for prevention efforts and for training of health care workers. Despite broad support for a solution, the Senate rejected both proposals, which will likely force advocates of a 1099 fix to look to other legislative vehicles for a remedy.

Looking forward to November, when Republicans are expected to make significant gains in Congress and possibly even reclaim the majority in the House, many GOP activists are planning a path to block the implementation of the ACA. A group of conservative activists at the center of the movement sent a letter to House and Senate Republican leaders John Boehner (R-OH) and Mitch McConnell (R-KY) as well as other top Republican representatives on September 13th, asking them to include a pledge to "defund" the new health care reform law as a central party pledge to voters this fall. The push to "defund" the ACA has surfaced in recent months as the most viable strategy that opponents of the ACA can take to halt implementation of the law. Despite the vocal supporters of the "repeal and replace" strategy, Republicans and other ACA opponents would need a 60-vote majority in the Senate, a majority in the House, and a Republican President, a feat that is not even possible until 2012. Referencing those facts, a letter authored by the Tea Party Express and DeFundIt.org encourages Republican leaders to do whatever is necessary to regain the majority in Congress and to deny President Obama the appropriations to implement the ACA.

In addition, with the six-month mark of the enactment of the ACA occurring the week of September 23rd, the Department of Health and Human Services is preparing for the implementation of a number of additional ACA provisions that many supporters believe will

help boost the ACA's popularity. Among the most prominent provisions set to be implemented at the six-month mark are the extension of young adult coverage to dependents until age 26, prohibition on excluding coverage for children under age 19 with pre-existing conditions, restriction on annual dollar coverage limits, reimbursement for the full cost of preventative services that have the highest recommendation of the U.S. Preventive Services Task Force, and full access for women to OB-GYN doctors without a referral.

The above update is an abbreviated version of a more comprehensive alert compiled by ML Strategies in Washington, D.C. If you would like more information or would like to receive the complete update, please do not hesitate to contact ML Strategies.

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