

# Health Law and Policy Update:

## January 18, 2013

Happy Martin Luther King, Jr. day. We are reminded on this day that Dr. King said: "Of all the forms of inequality, injustice in health care is the most shocking and inhumane."

This week's updates:

- [Health insurance navigators](#)
- [HHS releases key regulations regarding Medicaid and Exchange eligibility and appeals](#)
- [Arizona and North Dakota announce plans to expand Medicaid](#)

### The Waiting Room

Thank you for helping to make CCLP's event last night a spectacular success. We appreciate your support and are so happy to be part of such a strong, vibrant and thoughtful health care community.

Our event included a showing of the film, The Waiting Room. The film has won too many awards to name here but Ann Hornaday from The Washington Post said in her review: "If I could choose one film to show in the White House screening room this year, it would be The Waiting Room." We agree. The film is a raw snapshot of what happens to people who are uninsured in our healthcare system. It's both a stark reminder of the suffering that results from poverty and lack of meaningful access to care and a testament to how patients and providers in one community behave in very difficult circumstances.

The Waiting Room will be playing at the Sie FilmCenter through Monday, January 21st. Click [here](#) for show times.

To learn more about the film and opportunities to bring it to your hospital, medical school or class room, please visit The Waiting Room's [official website](#).

## What's New

### **Health insurance navigators**

The Affordable Care Act requires each state operating a health insurance Exchange to develop a Navigator program which is designed to educate, inform and assist people purchasing health insurance. States have broad discretion in designing their Navigator programs, and the Colorado Health Benefit Exchange (COHBE) is currently making decisions about how to structure Colorado's.

This week, Colorado Consumer Health Initiative, CCLP and CoPIRG Foundation released a series of recommendations designed to inform the development of the COHBE Navigator Program. The three organizations worked together over a number of months to gather information from consumers and organizations across the state about what they wanted and needed in order to make use of, or offer appropriate assistance to those interested in purchasing insurance through, COHBE.

Among the recommendations:

- It is critical that people have access to trusted sources of support as they navigate the purchase of health insurance.
- The Exchange must hire adequate numbers and a comprehensive network of knowledgeable people to assist the large volume of consumers who will be coming in to the Exchange.
- The Exchange should be prepared to reach out to people in a variety of ways using a range of user friendly technologies.
- Navigators should be prepared to offer people on-line, in person or telephone assistance.
- Navigators must be able to help people from diverse backgrounds in terms of language, culture and educational background.
- It's important to insure that Navigators are prepared to help people approaching the Exchange understand the value of insurance.
- Agencies providing assistance need adequate training, funding and ongoing support to do the job well.

For more recommendations or to read the reports, click [here](#).

The structure and performance of the Navigator program will be critical to the success of the Exchange. Purchasing health insurance is a daunting task, and many of the people coming in to the Exchange will be buying insurance for the first time in their lives. Navigators will help people understand and navigate the processes and decisions around which insurance product to purchase and the experience people have with a Navigator will very likely have a big impact on their level of confidence in the Exchange. In the end, in order for the Exchange to be successful, people are going to have to trust the people helping them and value the products they purchase. A well designed Navigator program will go a long way towards achieving these goals.

For news coverage see:

- [Denver Post](#)
- [Health Policy Solutions](#)

### **HHS releases key regulations regarding Medicaid and Exchange eligibility and appeals**

On Monday, the U.S. Department of Health and Human Services (HHS) released a very lengthy [set of regulations](#) and a corresponding [fact sheet](#) that will provide much-needed guidance to states ramping up for full implementation of the Affordable Care Act (ACA) in 2014. These regulations propose coordinated notice and appeals processes between state Medicaid agencies and insurance exchanges. As Timothy Jost, a well-known law professor, discussed in a recent Health Affairs [blog post](#), the attempt to coordinate appeals processes was complicated by last summer's U.S. Supreme Court decision allowing states to decline participation in the ACA's Medicaid expansion, as well as by many states' decisions to not build their own state-based insurance exchanges. The rules released this week are an attempt make sense of this messy landscape and standardize many of the key functions required under the ACA to the extent possible while still respecting state flexibility.

A few of the key provisions in these regulations include:

- A requirement that states coordinate notices and appeals for Medicaid eligibility determinations and determinations of premium assistance through the Exchange.
- Implementation of ACA requirements that Medicaid eligibility expand to certain populations, including former foster children that previously received Medicaid.
- A requirement that states allow hospitals participating in Medicaid to conduct presumptive eligibility determinations, which will allow individuals who appear to be eligible for Medicaid to obtain coverage immediately.
- Creation of "application counselors," who will conduct education, outreach and enrollment assistance with low-income individuals. These counselors will be similar to the Exchange Navigator Program, but will not be funded through the Exchange.

We will continue to review these and the many other important provisions of this rule and provide comments as necessary. It is critical that this rule is implemented in Colorado in a manner that fulfills the underlying objectives of the ACA - that Coloradans have seamless, no-wrong-door access to quality, affordable health coverage.

### Advancing the Debate

#### **Arizona and North Dakota announce plans to expand Medicaid**

This week two more states under Republican leadership - [Arizona](#) and [North Dakota](#) - announced plans to accept the Affordable Care Act's expansion of Medicaid.

According to a recent Reuters [article](#), twenty-two governors have announced their support for expanding Medicaid. A recent CCLP report, [Expanding Medicaid makes Colorado's workforce and economy healthier](#),

describes how expanding Medicaid would provide much-needed access to low-income working families in

Colorado. According to the report, a majority of Coloradans who would benefit from Medicaid expansion are people who work but do not earn enough money to buy private sector insurance.

#### **What you can do:**

For information about what the Medicaid program means to Colorado please see [Insuring our Future](#). Launched by individuals and organizations from across the

healthcare spectrum, the Insuring Our Future partnership seeks to provide educational resources that help explain the importance of Medicaid to Colorado's healthcare landscape as well as support ways that health insurance coverage can be improved and grown for Coloradans who need it most. We encourage you to [join](#) this effort.