

**Policy Process and
Public Health Law**

HPAM 7600

**Things you should know about the
US legislature**

- US Congress:
 - Senate: 100 members, 2 from each state, 6 year terms (1/3 up for election each 2 years)
 - House: 435 members, based on population, 2 year terms
- GA General Assembly:
 - Senate: 56 members, 2 year terms
 - House: 180 members, 2 year terms

Things you should know

- US Congress in session:
 - Begins January 4
 - In 2006, Senate in session 132 days, House in session 97 days
- GA General Assembly in session:
 - Begins 2nd Monday in January
 - 40 legislative days (until about mid-March)

How a bill becomes a law (US)

- Introduction of Bills
 - Can begin in either the House or the Senate
 - Different versions can begin at same time
 - Can only be introduced by members of Congress
 - Many originate in White House and are introduced by congressional sponsor
 - New bills are numbered and sent to committee

How a bill...

- Committee Action
 - Bill considered by the full committee or a subcommittee
 - After hearings and study to “mark up” the bill, full committee votes on a recommendation to House/Senate
 - Bill can die in committee
 - Committee may order a “clean bill” with a new number to be introduced

How a bill...

- Floor action
 - House:
 - House rules committee issues the “rule” for the bill (how the debate will take place)
 - Members can speak on a bill, as specified by “rule”
 - Senate:
 - Senate debate is unlimited (“filibuster”)
 - Debate can be closed by unanimous consent (3/5 majority) of the entire Senate (60 votes)

How a bill...

- Second chamber
 - Once one chamber has voted to pass a bill, the other chamber may:
 - Pass it with the language intact
 - Refer it to a committee for scrutiny or alteration
 - Reject the entire bill
 - Ignore the bill, continuing to work on its own version

How a bill...

- Conference
 - When the 2 chambers pass different versions of the legislation, the bill goes to conference
 - Conferees for the House and Senate committees that worked on the bill meet together to work out a compromise
 - Not allowed to write new legislation; must work within boundaries of the 2 bills
 - When reach agreement, submit recommendations to each chamber for approval

How a bill...

- The President
 - Speaker of House and President of the Senate both sign the approved bill and send it to the Prez who has 5 options:
 - Signs and dates bill → becomes law
 - If congress is in session & president doesn't sign within 10 days → becomes law
 - Veto the entire bill; goes back to congress for 2nd vote; if 2/3rd in each chamber → becomes law
 - Veto single budget item; item goes back to congress for 2nd vote; if 2/3rd in each chamber → becomes law
 - If congress adjourns with 10 days of giving the bill to the president & he doesn't sign → bill dies ("pocket veto")

What is public health law?

- Preserving the public's health is duty of govt
- Law is a primary tool with which govt creates conditions for people to lead healthier and safer lives
 - Influence norms for healthy behavior
 - Health communication campaigns
 - Taxing unhealthy behaviors
 - Civil and criminal penalties for risky behaviors
 - Advertising restraints
 - Identify and respond to health threats
 - Set and enforce health and safety standards
 - City planning and housing codes
 - Inspections and licenses

Need for state reforms

- Problem 1: Antiquity
 - 40-100 years old
 - do not reflect current scientific understanding
 - different health problems today
 - E.g. late 1800s S. Dakota statute makes it a misdemeanor for a person infected with a "contagious disease" to "intentionally [expose] himself...in any public place or thoroughfare."
 - Violates modern disability discrimination law to isolate people who do not pose significant health risk to the public

Need for reform

- Problem 2: Redundancy
 - multiple layers of laws, built up over years
 - e.g. Colorado has separate sections in disease control statute for venereal disease, TB and HIV, with very different procedures

Need for reform

- Problem 3: Inconsistency
 - State laws shouldn't be identical (good testing grounds for finding best approach)
 - However, health threats are not confined to single jurisdictions
 - Need similar statutes across states in aid in:
 - Surveillance and data sharing
 - Communication
 - Coordinated response to health threats

Federal laws you should know

ERISA

COBRA

HIPAA

Employment Retirement and Income Security Act of 1974

- Governs how employers provide health benefits and pensions if they choose to offer these benefits.
 - Employers must provide summary plan descriptions
 - Provide summary annual report (financial accountability)
 - Establish appeals procedures
- Does not cover governmental plans or religious organizations.
- Preempts state regulation of employee health benefits (Maryland vs. Walmart)
- Problems with original ERISA:
 - Loss of coverage
 - "Job Lock"
 - Pre-existing conditions

Consolidated Omnibus Reconciliation Act of 1986

Amendment to ERISA which solves loss of coverage and job lock problems

- Mandates a temporary continuation of health insurance at employer's group rate after qualifying event:
 - Employee can quit, be terminated, or lose hours
 - Death of covered employee
 - Change in family/dependent status (divorce, child aging out)
 - Disability
- Window: 60 to 90 days (check details) to elect and pay
- Period: 18 months (some extensions possible)
- After that, insurer must make individual plan available
- Applies to health plans with at least 20 people

Example: UGA's BC/BS PPO Plan

Family Plan:

Employee contribution:	\$ 304.96
UGA contribution:	\$ 914.86
Total Monthly:	\$ 1,219.82

Health Insurance Portability and Accountability Act of 1996

Amendment to ERISA

Title I: addresses job lock, pre-existing conditions, and health discrimination problems:

- limits preexisting conditions exclusion period to 12 months
- cannot be applied to pregnancy or new children
- can reduce exclusion period if had "creditable coverage" (do NOT let your coverage lapse for 63 days!)
 - your prior employer must give you a certificate
 - COBRA counts as creditable coverage

HIPAA Title I *continued*

- Discrimination Part – Group health plans:
 - may not establish rules for eligibility based on health status
 - May not charge premiums that are higher for an individual with a health problem compared to a similarly situated person without a health problem
- Administered by US Department of Labor
- Life resource: <http://www.dol.gov/ebsa/pdf/consumerhipaa.pdf>

HIPAA Title II

Privacy Part:

- Limits access to and use of health information.
- Patient must authorize release of information.
- Your information cannot be used for marketing.
- State laws can be stronger.
- You have the right to written policy regarding policy procedures.
- Administered by US Department of Health and Human Services
- Life resource: <http://www.hhs.gov/ocr/hipaa/>

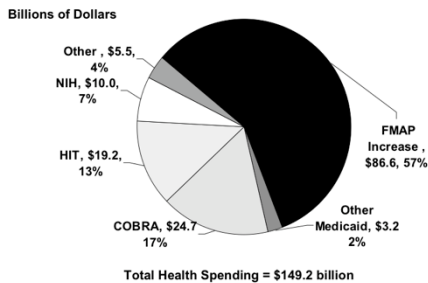
Other ERISA Amendments

- Newborns' and Mothers' Health Protection Act of 1996
 - Maternity coverage must pay for at least a 48-hour hospital stay following childbirth (96-hour if C-section)
- Mental Health Parity Act of 1996
 - Lifetime and annual dollar limits on mental health benefits must be same as those for medical/surgical benefits (for group health plans)
- Women's Health and Cancer Rights Act of 1998
 - Group plans offering coverage for mastectomy must also cover reconstruction surgery

American Recovery and Reinvestment Act (ARRA)

- Health care provisions:
 - Temporary increase in the federal matching percentage for Medicaid
 - Subsidize COBRA premiums
 - Govt will pay 65% of premium for those laid off
 - Provide incentives to providers to invest in health IT
 - More NIH funding for research
 - Various other investments in infrastructure

Distribution of Health Funding in ARRA



SOURCE: Detailed Summary of ARRA from the Appropriations Committee and Senate Finance and Ways and Means Committees. <http://www.speaker.gov/blog/?p=1694> and White House Summary. Total costs of ARRA = \$787 billion.
