

**Topics in Health Policy: The Affordable Care Act
HPAM-GP 4860 – 001, Fridays 9:00am-12:30pm**

Global Center for Academic and Spiritual Life, Room 275
Professor Sherry Glied

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Office Hours: As posted on Wagner Website ♦ Office Location: Puck, Room 2100

The purpose of this seminar is to explore the substance and form of the Affordable Care Act. The course will examine the context and content of the Law, as well as the process from passage to implementation.

Learning objectives. By the end of the course, students will:

- Be familiar with the major components of the Affordable Care Act
- Be able to explain the evolution of policy from concept to legislation
- Understand the process and importance of scoring legislation
- Recognize the role and process of regulation
- Be familiar with the arguments around the Constitutionality of the Act
- Understand the challenges of implementing components of the Law

Academic Integrity: Students are reminded that they have signed an Academic Oath at NYUWagner and they are bound by this oath and the principles of the academic code of the school. More details can be found here: <http://wagner.nyu.edu/current/policies/>

Late Assignment Policy: Extensions will be granted *only in case of emergency*, out of respect to those who abide by deadlines despite equally hectic schedules. Late submissions without extensions will be penalized 10% per 24-hour period.

Students with disabilities: Any students requiring accommodations should contact me to make proper arrangements. Please be prepared to share your documentation from the NYU disabilities office regarding appropriate accommodations.

Grading: Your final grade will be composed of the following components:

There will be four short (1-4 page) papers and one oral presentation. Each paper will count for 22% of your grade, the oral presentation will count for 12% of your grade.

Please note that 50% of your grade for written assignments will be based on the quality of your writing, including adherence to the standards in the document preparation guide.

Reference: HHS Executive Secretary. Guide to Document Preparation 2012
<http://execsec.od.nih.gov/correspondence/docs/secretarial-correspondence.pdf>

Students will be expected to do readings before class. Readings for each class will be available on the NYU Class site.

Friday, February 6, 2015

Lecture 1: Antecedents/Legislation

Bring a laptop or tablet to class today for an in-class exercise.

Homework (due by **5 pm on Feb. 12** as a word document attachment to iveliz.vazquez@nyu.edu. **Be sure your name is on the document and on the document file and indicate GP 4860 in the subject line**):

Prepare a 3-4 page decision memo summarizing the public option and offering the HHS Secretary two decision options. Follow the guidelines for a multiple option decision memo in the HHS Guide to Document Preparation.

Readings:

DeParle, Nancy Ann. Briefing Memo. April 21, 2009

Halpin, HA, Harbage, P.(2010) The Origins and Demise of the Public Option. *Health Affairs*, 29(6), 1117-1124.

Link: <http://content.healthaffairs.org/content/29/6/1117.full>

Kaiser Family Foundation. Side by Side of Major Policy Proposals.

http://www.kff.org/healthreform/upload/healthreform_sbs_full.pdf

Health Policy Roundtable—Policy by Numbers: The Role of Budget Estimates and Scoring in Health Care Reform (2005). *Health Services Research*, 40(2), 347-360.

Link: <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1361144/>

The Patient Protection and Affordable Care Act. HR3590. 1-14, any ten pages in each of Titles I-IX.

Link: <http://www.gpo.gov/fdsys/pkg/BILLS-111hr3590enr/pdf/BILLS-111hr3590enr.pdf>

Take the health reform quiz at: <http://kff.org/quiz/health-reform-quiz/>

Reference: CBO's Analysis of the Major Health Care Legislation Enacted in March 2010. March 30, 2011. <http://www.cbo.gov/publication/22077>

Guest speaker: *Nancy Nielsen* -- As an elected member of the Institute of Medicine, a past President of the American Medical Association (AMA) and Senior Associate Dean for Health Policy at the State University of New York (SUNY) at Buffalo School of Medicine and Biomedical Sciences, Dr. Nancy Nielsen has made significant contributions to the medical field from a variety of different vantage points. Dr. Nielsen was the AMA representative on many quality initiatives, including the National Quality Forum, the AMA-convened Physician Consortium for Performance Improvement, the Ambulatory Care Quality Alliance (AQA) and the Quality Alliance Steering Committee. Recently, she served as Senior Advisor to the Center

for Innovation within the Centers for Medicare and Medicaid Services in the US Department of Health and Human Services.

Friday, February 13, 2015

Lecture 2: Insurance regulation/Benefit package

Homework: (Due by **5 pm on Feb. 19** as a word document attachment to iveliz.vazquez@nyu.edu. **Be sure your name is on the document and on the document file and indicate GP 4860 in the subject line**):

A. The Secretary will be meeting with a delegation from the National Health Council in response to the EHB regulations. Prepare a briefing memo for her in response to http://www.nationalhealthcouncil.org/NHC_Files/Pdf_Files/NHC-Need_Better_Formulary_Reviews-082113.pdf. You will need to determine what HHS action was taken with respect to this issue.

B. A brief has been assigned to each student. See attached. Be prepared to argue your part in the mock Supreme Court session next class.

Readings:

The Patient Protection and Affordable Care Act. HR3590.
<http://www.gpo.gov/fdsys/pkg/BILLS-111hr3590enr/pdf/BILLS-111hr3590enr.pdf>
ACA S. 1003, S. 2714, S. 2718, S. 1302

“Health Policy Brief: Medical Loss Ratios,” *Health Affairs*, Updated November 24, 2010
http://healthaffairs.org/healthpolicybriefs/brief_pdfs/healthpolicybrief_33.pdf

Final Rule: Medical Loss Ratio. Regulatory Impact Assessment.
Government Printing Office. Federal Register / Vol. 75, No. 230 / Wednesday, December 1, 2010. 45 CFR Part 158. P.74892 – 74921
Link: <http://www.gpo.gov/fdsys/pkg/FR-2010-12-01/pdf/2010-29596.pdf>. p. 74892- 74920

Final Rule: Young Adults. Government Printing Office. Federal Register /Vol. 75, No. 92 /Thursday, May 13, 2010 /Rules and Regulations. <http://www.gpo.gov/fdsys/pkg/FR-2010-05-13/pdf/2010-11391.pdf> p. 27122-27134

Essential Health Benefits Institute of Medicine. Essential Health Benefits: Balancing Coverage and Cost. 2012. Summary, pgs. 3-12.
http://www.nap.edu/openbook.php?record_id=13234&page=3-12

CCIIO. Essential Health Benefits Bulletin.
http://www.cms.gov/CCIIO/Resources/Files/Downloads/essential_health_benefits_bulletin.pdf

Skopec, Laura et al. Essential Health Benefits: Comparing Benefits in Small Group Products and State and Federal Employee Plans. December 2011.
<http://aspe.hhs.gov/health/reports/2011/MarketComparison/rb.shtml>

Yong, Pierre, John Bertko, Richard Kronick. Actuarial Value and Employer-Sponsored Insurance. November 2011. <http://aspe.hhs.gov/health/reports/2011/AV-ESI/rb.shtml>

CMS. Medicare Shared Savings Program. Differences between Proposed and Final Rule.
<http://www.cms.gov/Medicare/Medicare-Fee-for-Service-Payment/ACO/Downloads/Appendix-ACO-Table.pdf>

Bagley, Nicholas, and Helen Levy. "Essential health benefits and the Affordable Care Act: Law and process." *Journal of health politics, policy and law* 39.2 (2014): 441-465.
<http://jhppl.dukejournals.org/content/39/2/441.short>

Medicare Program: Medicare Shared Savings Program--Accountable Care Organizations (CMS-1461-P)
<http://www.regulations.gov/#!documentDetail;D=CMS-2014-0155-0002> : 341-380



Friday, February 20, 2015

Lecture 3: Coverage expansion - individual mandate/Medicaid expansion

Homework: (Due by **5 pm on Feb. 26** as a word document attachment to iveliz.vazquez@nyu.edu. **Be sure your name is on the document and on the document file and indicate GP 4860 in the subject line):**

The Secretary will be attending the Supreme Court hearings on the Affordable Care Act. Prepare an information memo summarizing the position you have been asked to brief.

Readings:

The Patient Protection and Affordable Care Act. HR3590.
<http://www.gpo.gov/fdsys/pkg/BILLS-111hr3590enr/pdf/BILLS-111hr3590enr.pdf>
S. 1501, S. 2001

Glied, Sherry. Universal Coverage - One Head at a Time. *NEJM* 008; 358:1540-1542 April 10, 2008. <http://www.nejm.org/doi/full/10.1056/NEJMp0802027>

National Federation of Independent Business vs. Sebelius. 567 U. S. (2012). All four opinions. <http://www.supremecourt.gov/opinions/11pdf/11-393c3a2.pdf>

Health Affairs Blog post- Implementing Health Reform: Supreme Court will Review Tax Credit in Federal Exchanges

(link) King vs. Burwell -- <http://www.scotusblog.com/2014/11/symposium-the-court-will-hear-king-thats-bad-news-for-the-aca/>

(link) <http://blogs.wsj.com/washwire/2014/11/19/how-13-million-americans-could-lose-insurance-subsidies/>

(link) Cost-sharing subsidies -- http://www.nytimes.com/2014/11/30/us/politics/suit-on-health-law-puts-focus-on-funding-powers-.html?_r=0

Guest speaker: *Rosa Po* is a J.D. candidate at Yale Law. Her research focuses on the relationship between the Affordable Care Act regulatory process and health care policy design. Before law school, she worked on Capitol Hill for Senator Barbara Boxer and at the Department of Health and Human Services. She also worked on Hillary Clinton's Presidential campaign in 2008. She holds a BA and MA from Yale University.



Friday, February 27, 2015

Lecture 4: Implementation/Delivery system reform and payment regulation

Homework: (Due by **5 pm on March 4** as a word document attachment to iveliz.vazquez@nyu.edu **Be sure your name is on the document file and indicate GP 4860 in the subject line**)

You have been assigned a state website. Using data and information from <http://acasignups.net/blogs/charles-gaba>, from <http://aspe.hhs.gov>, and from your own web searches write a 3-4 page memo (including at least one graph of your own design) assessing your state's performance in signing people up for health insurance in 2014 and in 2015. Suggest at least one reason for why your state performed as it did and propose a test of your hypothesis. Describe the data you'd need to collect to perform this test.

	Last name starts with:
California	A B
Colorado	C D
Connecticut	E F
DC	G H
Hawaii	I J
Kentucky	K L
Maryland	M
Massachusetts	N
Minnesota	O P
Nevada	Q R
New York	S
Oregon	T
Rhode Island	U V
Vermont	W X
Washington	Y Z

Readings:

The Patient Protection and Affordable Care Act. HR3590.
<http://www.gpo.gov/fdsys/pkg/BILLS-111hr3590enr/pdf/BILLS-111hr3590enr.pdf>
S. 3021, S. 3022, S. 3401

Berenson, R. and N. Cafarella. RWJF. The Center for Medicare and Medicaid Innovation: Activity on Many Fronts. February 2012. <http://www.rwjf.org/content/dam/web-assets/2012/02/the-center-for-medicare-and-medicaid-innovation>

Epstein, A., Ashish Jha, E. John Orav, Daniel L. Liebman, Anne-Marie J. Audet, Mark Zezza, and Stuart Guterman. The Care Span: Analysis Of Early Accountable Care Organizations Defines Patient, Structural, Cost, And Quality-Of-Care Characteristics *Health Aff January 2014 33:195-102; doi:10.1377/hlthaff.2013.1063*

Exchanges:

The Patient Protection and Affordable Care Act. HR3590.
<http://www.gpo.gov/fdsys/pkg/BILLS-111hr3590enr/pdf/BILLS-111hr3590enr.pdf>
S. 1311, 1321, 1332

Corlette, Sabina, Kevin Lucia, and Max Levin. Implementing the Affordable Care Act: Choosing an Essential Health Benefits Benchmark Plan. Commonwealth Fund Issue Brief. http://www.commonwealthfund.org/~media/Files/Publications/Issue%20Brief/2013/Mar/1677_Corlette_implementing_ACA_choosing_essential_hlt_benefits_reform_brief.pdf

Kaiser Family Foundation. Establishing Health Insurance Exchanges: An Overview of State Efforts. <http://kff.org/health-reform/issue-brief/establishing-health-insurance-exchanges-an-overview-of/>

Martha Heberlein, Tricia Brooks, Samantha Artiga and Jessica Stephens. Getting into Gear for 2014. <http://kff.org/report-section/getting-into-gear-for-2014-shifting-new-medicaid-eligibility-and-enrollment-policies-into-drive-section-1-introduction/>

CCIIO. General Guidance on Federally Facilitated Exchanges.
<http://www.cms.gov/CCIIO/Resources/Fact-Sheets-and-FAQs/Downloads/ffe-guidance-05-16-2012.pdf>

Evaluation:

Sommers, Benjamin D., Genevieve M. Kenney, and Arnold M. Epstein. Medicaid Expansion: New Evidence On The Affordable Care Act: Coverage Impacts Of Early Medicaid Expansions. *Health Aff January 2014 33:178-87; doi:10.1377/hlthaff.2013.1087*

Alter, Jonathan. Failure to Launch. Foreign Affairs. March/April 2014, p. 39-44

Benoit, William. President Barack Obama's image repair on Healthcare.gov. *Public Relations Review*. 40 (2014), p. 733-738.

Payment rates:

Medpac. Report to Congress 2003. Chapter 2A, pgs. 61-63

http://www.medpac.gov/publications/congressional_reports/Mar03_Ch2A.pdf

Delivery system reform: CMS. ACO Fact Sheet. <http://www.cms.gov/Medicare/Medicare-Fee-for-Service-Payment/ACO/index.html?redirect=/ACO/>

<http://www.cms.gov/Newsroom/MediaReleaseDatabase/Fact-sheets/2014-Fact-sheets-items/2014-11-10.html>

New York State. Health Insurance Exchange documents.

http://www.healthcarereform.ny.gov/health_insurance_exchange/

Guest speaker: *Ms. Mayra E. Alvarez* is the Director of Public Health Policy in the Office of Health Reform at the Department of Health and Human Services, where she has primary oversight responsibility for coordinated and timely implementation of the public health, prevention, and healthcare workforce policy provisions in the Affordable Care Act. Previously, Ms. Alvarez served as a Legislative Assistant for Senator Dick Durbin (D-IL), the Majority Whip of the U.S. Senate, where she advised the Senator and helped develop his legislative agenda on health issues. Prior to working in the office of Senator Durbin, she served as a Legislative Assistant for then-Congresswoman Hilda L. Solis, the chair of the Health Task Force for the Congressional Hispanic Caucus. Ms. Alvarez began her work in Washington D.C. as a David A. Winston Health Policy Fellow in the office of then-Senator Barack Obama. She completed her graduate education at the School of Public Health at the University of North Carolina at Chapel Hill and her undergraduate education at the University of California at Berkeley.