

Topics in Health Policy: The Affordable Care Act
HPAM-GP 4860 – 001
Fridays 9:00am-12:30pm—January 29, February 5, February 12, February 26
Bldg:TISC Room:LC11
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 NYU Wagner 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/>

Assignments: All papers are to be submitted via the NYU Classes course site by the due dates provided. *Be sure your name is part of the document file name.*

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, January 29, 2016

Lecture 1: Antecedents/Legislation

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

Homework--due by 5 pm on Feb. 4

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

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

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

Light, Paul C. (1981) The President's Agenda: Notes on the Timing of Domestic Choice. *Presidential Studies Quarterly*. Vol 11(1), Winter, 1981: 67-82/

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>

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>

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/>

Glied, S, Anu Arora, and Claudia Solis-Roman. The CBO's Crystal Ball: How Well did it Forecast the Effects of the Affordable Care Act? (2014)

<http://www.commonwealthfund.org/publications/issue-briefs/2015/dec/cbo-crystal-ball-forecast-aca>

Weingast, Barry R. and William J. Marshall. (1988) The Industrial Organization of Congress; or, Why Legislatures, Like Firms, Are Not Organized as Markets. *Journal of Political Economy* 96(1); 132-148 only.

Glied, S. Draft Chapters 1-3

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>

Friday, February 5, 2016

Lecture 2: Insurance regulation/Benefit package

Homework: Due by 5 pm on Feb. 11

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

Posner, Richard A. (1974) Theories of Economic Regulation. *NBER Working Paper 41*.

McCubbins, Matthew D., Roger G. Noll, and Barry R. Weingast. (1989) Structure and Process, Politics and Policy: Administrative Arrangements and the Political Control of Agencies. *Virginia Law Review* 75(2): 431-445 (skip Section A 435- 440).

Federal Regulation Tutorial: <https://www.archives.gov/federal-register/tutorial/online-pdf.html>

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

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. (SKIM)
<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> (SKIM)

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>

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 12, 2016

Lecture 3: Coverage expansion - individual mandate/Medicaid expansion

Homework: Due by 5 pm on Feb. 25

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>

King vs. Burwell -http://www.supremecourt.gov/opinions/14pdf/14-114_qol1.pdf

Blumberg, Linda, Matthew Buettgens, and John Holahan, The Implications of a Supreme Court Finding for the Plaintiff in King vs. Burwell: 8.2 Million More Uninsured and 35% Higher Premiums (2015)
<http://www.urban.org/research/publication/implications-supreme-court-finding-plaintiff-king-vs-burwell-82-million-more-uninsured-and-35-higher-premiums>

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

Friday, February 26, 2016

Lecture 4: Implementation/Delivery system reform and payment regulation

Homework: Due by 5 pm on March 3

PPT Presentation – 8 slides

Student projects

- Narrow networks
- Kentucky Kynect
- Accountable Care Organizations
- Risk adjustment
- Insurer consolidation
- Co-ops
- Cost-sharing and OOP
- Reconciliation of subsidies
- Individual mandate enforcement
- Cadillac tax

Readings:

Carpenter, Dan. *The Politics of Bureaucratic Autonomy* (2001). Chapter in *The Forging of Bureaucratic Autonomy: Reputations, Networks, and Policy Innovation in Executive Agencies, 1862-1928*. Princeton, NJ: Princeton University Press

Light, Paul C. "A Government Ill Executed: The Depletion of the Federal Service." *Public Administration Review* May 2008: 413-419.

Haeder, Simon F., David L. Weimer, and Dana B. Mukamel. "Narrow Networks and the Affordable Care Act." *JAMA* (2015).

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

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/>

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

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

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

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>

New York State. Health Insurance Exchange documents.
http://www.healthcarereform.ny.gov/health_insurance_exchange/

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