

**Topics in Health Policy: The Affordable Care Act
HPAM-GP 4860 – 001**

Fridays 9:00am-12:30pm—February 3, February 10, February 17, February 24

Bldg: 7 East 12th St. Room:121

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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 and efforts to change it. 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 litigation around 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/>

Assignments: All papers are to be submitted via the NYU Classes course site before the start of class on their due date. *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, February 3, 2017
Lecture 1: Antecedents/Legislation

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

Homework 1: due by 5 pm on February 9

Prepare a 3-4 page decision memo summarizing the evidence on high risk pools 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:

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

Policy Formation and Key Institutions

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/

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.

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>

Glied, S. Draft Chapters 1-3

Development of the ACA

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

Daschle, Tom. Critical: What We Can Do About the Health-Care Crisis. 2008.
Chapter 5

<http://www.urban.org/sites/default/files/alfresco/publication-pdfs/411984-Getting-to-a-Public-Option-that-Contains-Costs-Negotiations-Opt-Outs-and-Triggers.PDF>

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>

Lecture 1, continued

State of the Debate Today

Sanger-Katz, Margot. Why Trump's Obamacare Promise Will Be So Hard to Keep. New York Times, January 11, 2017
https://www.nytimes.com/2017/01/11/upshot/trumps-obamacare-plan-still-optimistic-still-vague.html?_r=1

Levin, Yuval. The Republican Health Care Debate: A guide for the perplexed. National Review, January 17, 2017. <http://www.nationalreview.com/article/443932/republican-health-care-debate-guide-perplexed-americans>

High Risk Pools

Hall, Jean. Why a National High Risk Pool is not an Alternative to the Marketplace. Commonwealth Fund Issue Brief. December 2014 and 2015 follow up.

- http://www.commonwealthfund.org/~media/files/publications/issue-brief/2014/dec/1792_hall_highrisk_pools.pdf
- <http://www.commonwealthfund.org/publications/blog/2015/feb/why-high-risk-pools-still-will-not-work>

Altman, Drew. High-Risk Pools as Fallback for High-Cost Patients Require New Rules. Kaiser Family Foundation. January 23, 2017. <http://kff.org/health-reform/perspective/high-risk-pools-as-fallback-for-high-cost-patients-require-new-rules/>

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 10, 2017

Lecture 2: Insurance regulation/Benefit package

Homework 2: Due by 5 pm on February 16

A. The Secretary will be meeting with a delegation from the National Health Council in response to the President's Executive Order to reduce burdensome regulations. The delegation aims to defend the importance of the essential health benefits law and regulations. You will need to determine what HHS action should be with respect to this issue.

B. A brief has been assigned to each student. See attached.

Lecture 2, continued

Readings:

Regulatory Process

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>

Executive Orders

Mayer, Kenneth R. "Executive orders and presidential power." *The Journal of Politics* 61, no. 2 (1999): 445-466.p. 445- 453 and 460- 463
<http://www.jstor.org/stable/pdf/2647511.pdf>

President Trump. Executive Order Minimizing the Burden of the Patient Protection and Affordable Care Act. January 20, 2017. <https://www.whitehouse.gov/the-press-office/2017/01/20/executive-order-minimizing-economic-burden-patient-protection-and-affordable-care-act>

Lambrew, Jeanne. Trump's ACA Executive Order: Will It Reduce "Burden," or Shift It to Patients? The Century Foundation.
<https://tcf.org/content/commentary/trumps-aca-executive-order-will-reduce-burden-shift-patients/>

Key Regulations

Glied, Sherry. Draft Chapter 4

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

Essential Health Benefits

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)

Interim Final Rule. Conditions for Coverage for End-Stage Renal Disease Facilities-Third Party Payments. December 14, 2016.
<https://www.federalregister.gov/documents/2016/12/14/2016-30016/medicare-program-conditions-for-coverage-for-end-stage-renal-disease-facilities-third-party-payment> (SKIM)

Jost, Tim. Court Denies Cost-Sharing Reduction Payment Recipients Right to Join Litigation (Updated). January 13, 2017.
<http://healthaffairs.org/blog/2017/01/13/court-denies-cost-sharing-reduction-payment-recipients-right-to-join-litigation/>

Shared Savings Program

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 17, 2017

Lecture 3: Coverage expansion and the interconnectivity of the individual mandate, subsidies, and insurance reforms.

Homework 3: Due by 5 pm on February 23

The Secretary will be attending a meeting at the White House on the next steps in Affordable Care Act litigation. 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. 1401, 1402, 1411

Lecture 3 Readings, continued

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>

House Complaint. November 21, 2014.

<https://jonathanturley.files.wordpress.com/2014/11/house-v-burwell-d-d-c-complaint-filed.pdf>

Department of Justice. Opening Brief, House vs. Burwell. October 24, 2016.

[https://s3.amazonaws.com/assets.fiercemarkets.net/public/004-](https://s3.amazonaws.com/assets.fiercemarkets.net/public/004-Healthcare/external_Q42016/appellants+opening+brief.pdf)

[Healthcare/external_Q42016/appellants+opening+brief.pdf](https://s3.amazonaws.com/assets.fiercemarkets.net/public/004-Healthcare/external_Q42016/appellants+opening+brief.pdf)

Blumberg, Linda and Matthew Buettgens, The Implications of a Finding for the Plaintiffs in House vs. Burwell.

<http://www.urban.org/sites/default/files/alfresco/publication-pdfs/2000590-The-Implications-of-a-Finding-for-the-Plaintiffs-in-House-v-Burwell.pdf>

AHIP, Amicus Brief, House v Burwell, October 31, 2016.

<https://www.scribd.com/document/334745434/House-v-Burwell-2016-10-31-AHIP-Amicus>

Pear, Robert. Suit on Health Care Law Puts Focus on Funding Powers. The New York Times. November 29, 2014. http://www.nytimes.com/2014/11/30/us/politics/suit-on-health-law-puts-focus-on-funding-powers-.html?_r=0

Friday, February 24, 2017

Lecture 4: Implementation/Delivery system reform and payment regulation

Homework 4: Due by 5 pm on March 4

PPT Presentation – 8 slides

Student projects:

State Innovation Waivers: HI or AK

Innovation Center and demonstration with mandatory participation

IPAB

1557 and sex discrimination

Contraception accommodation

Future of the Prevention Fund

Medicaid waivers and flexibility

Affordable Care Act's long-term services and supports provisions

Affordable Care Act's anti-fraud provisions

Rethinking Exchanges

Others: TBC

Lecture 4, continued

Readings:

Administrative Process

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.

Specific Issues

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

Implementation:

Brill, Stephen. Code Red. Time. March 10, 2014. <https://blog.newrelic.com/wp-content/uploads/80893.pdf>

U.S. Digital Services. Report to Congress. 2016. <https://www.usds.gov/report-to-congress/2016/healthcare-dot-gov/>

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-medicare-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 Affairs January 2014 33:178-87*;
doi:10.1377/hlthaff.2013.1087