



APHA Legislative Update April 2008

- I. House Passes Mental Health Parity Legislation*
- II. APHA Testifies in Support of CDC Funding*
- III. House Committee Takes Up Tobacco Regulation Bill*
- IV. Legislation Introduced to Delay New Medicaid Regulations*
- V. Health Start Bill Moves Out of Senate Committee*
- VI. Eight Health Bills Advance in House Committee Markup*
- VII. House Considers Global AIDS Bill*
- VIII. Newly Introduced Public Health Legislation*
- IX. **POLICY WATCH!** News on relevant Federal, State and local activities*
- X. National Public Health Week is Next Week – April 7-13!*

I. House Passes Mental Health Parity Legislation

On Wednesday, March 5, the House of Representatives overwhelmingly passed H.R. 1424, the Paul Wellstone Mental Health and Addiction Equity Act by a vote of 268 to 148. Currently, group health plans routinely charge higher out-of-pocket costs and apply stricter treatment limits on mental health care than any other medical care. The Government Accountability Office estimates that nearly 90 percent of plans impose these discriminatory practices that limit access to care for individuals with mental illness and substance-related disorders. H.R. 1424 would require group health plans that offer benefits for mental health and addiction to do so on the same terms as medical and surgical coverage. The Senate passed similar legislation last fall. APHA is hopeful that the House and Senate will quickly move to conference and produce a compromise bill to send the president for his signature without delay. To date, APHA members have sent more than 800 messages to their Representatives in support of the legislation.

II. APHA Testifies in Support of CDC Funding

On Thursday, March 13, APHA Executive Director Dr. Georges Benjamin testified before the House Labor-HHS-Education Appropriations Subcommittee in support of increased funding for the Centers for Disease Control and Prevention (CDC). Speaking on behalf of the CDC Coalition, a coalition of more than 100 groups committed to strengthening our nation's prevention programs, and coordinated by APHA, Dr. Benjamin urged the subcommittee to reject the \$475 million in cuts proposed in the president's budget for CDC. Dr. Benjamin noted that since 2005, CDC has sustained nearly a half a billion dollars in cuts to its core programs. In order to provide CDC with the resources it needs and to make up for cuts in past years, the CDC Coalition is recommending a funding level of \$7.4 billion (including funding for the Agency for Toxic Substances and Disease Registry) for CDC's core programs. This funding request does not include the mandatory Vaccines for Children's Program, which is also funded through CDC.

III. House Committee Takes Up Tobacco Regulation Bill

On Wednesday, April 2, the House Energy and Commerce Committee passed **H.R. 1108**, the "Family Smoking Prevention and Tobacco Control Act" by a vote of 38 to 12. The measure, strongly supported by APHA, would give the Food and Drug Administration (FDA) the authority and the financial resources to regulate tobacco products. The new costs associated with the bill will be funded entirely by a new user fee paid by the tobacco companies in proportion to their market share.

Specifically, under the bill, the FDA would have the authority to:

- Stop illegal sales of tobacco products to children and adolescents;
- Require changes in tobacco products, such as the reduction or elimination of harmful chemicals, to make them less harmful and less addictive;
- Restrict advertising and promotions that appeal to children and adolescents;
- Prohibit unsubstantiated health claims about so-called "reduced risk" tobacco products that discourage current tobacco users from quitting or encourage new users to start;
- Require the disclosure of tobacco product content and tobacco industry research about the health effects of their products; and
- Require larger and more informative health warnings on tobacco products.

APHA has long supported giving FDA the authority to regulate tobacco products. The measure passed the Senate Health, Education, Labor and Pensions Committee last summer, but has not yet been debated by the full Senate. APHA is hopeful the legislation can clear the full House and Senate this year and win the president's signature. To send a message to your Representative and Senators in support of the FDA legislation, visit APHA's Advocacy site at: <http://www.capwiz.com/apha/issues/alert/?alertid=10359126>

IV. Legislation Introduced to Delay New Medicaid Regulations

APHA is supporting legislation recently introduced by Representatives John Dingell (D-MI) and Tim Murphy (R-PA) that would place a one-year moratorium on seven Medicaid regulations issued in 2007 by the Center for Medicare and Medicaid Services (CMS). APHA believes the regulations issued by CMS will do nothing to improve efficiency within the Medicaid program. Instead, APHA and other public health advocates believe these regulations will be a major fiscal blow to many states and will harm our most vulnerable citizens, particularly children, by preventing beneficiaries from receiving the care that they need. The regulations are likely to shift billions of dollars in costs to the states, effectively eliminating federal participation in many important Medicaid programs. The Congressional Budget Office estimates these regulations will reduce federal Medicaid funding to states by a combined \$20 billion over the next five years. As a result, states will likely cut critical services such as specialized medical transportation to school for children with disabilities, case management services that allow people with disabilities to remain in the community, and rehabilitation services for the disabled. APHA is currently working its allies to encourage members of the House of Representatives to cosponsor the legislation. We

encourage you to send a message to your Representative urging them to support the bill. You can send a message through APHA's Advocacy site by clicking on this link:

<http://www.capwiz.com/apha/issues/alert/?alertid=11219321>

V. Healthy Start Bill Moves out of Senate Committee

On March 13, the Senate Committee on Health, Education, Labor, and Pensions approved legislation that would reauthorize Healthy Start, a federal grant program that provides funding for prenatal care to communities with infant mortality rates that are above 150 percent of the national average. The Healthy Start Reauthorization Act (S. 1760) would reauthorize the program at \$120 million annually through 2013, a 20 percent increase in funding. Healthy Start began in 1991; however its authorization lapsed in 2005.

The Committee also approved the following bills:

- The Stroke Treatment and Ongoing Prevention Act (S. 999), which would create a grant program to help states support networks for stroke care and establish a national database of stroke cases, with the aim of improving patient care.
- The Consistency, Accuracy, Responsibility, and Excellence in Medical Imaging and Radiation Therapy Act (S. 1042), which would establish standards for technicians who operate imaging technology, such as X-ray machines and MRI scanners.
- The Prenatally and Postnatally Diagnosed Conditions Awareness Act (S. 1810), which would create a database of parents willing to adopt children with Down syndrome.

VI. Eight Public Health Bills Advance in House Committee Markup

On March 13, the House Committee on Energy and Commerce passed eight public health bills. Among the bills was H.R. 1418, which would reauthorize the Traumatic Brain Injury program at CDC, which has been expired since 2005. This program provides grants to states to help provide brain injury patients treatment and rehabilitation services. The legislation also would require CDC to monitor brain injury incidents and create a reporting system to track the condition, as well as direct CDC and the National Institutes of Health to conduct research to improve treatment.

The others bills were:

- H.R. 3754, which would authorize the Environmental Protection Agency to include pollution-reducing diesel emission projects as part of settlements with companies who violate environmental laws in lieu of civil monetary penalties.
- The Newborn Screening Saves Lives Act (H.R. 3825), which would establish a grant program to help states improve education and outreach on screening newborns for congenital, genetic and metabolic disorders.
- The Early Hearing Detection and Intervention Act (H.R. 1198), which would reauthorize the Early Detection and Intervention program through 2013. This program provides screening and services for newborns, infants and young children with hearing problems.
- The Wakefield Act (H.R. 2464), which would reauthorize the Emergency Medical Service for Children Program through 2013. This program provides grants to states to improve pediatric components of emergency medical care.
- The Cytology Proficiency Improvement Act (H.R. 1237), which would require the Department of Health and Human Services (HHS) to revise the national standards for quality assurance in screening and evaluation of gynecological cytology preparations ("Pap tests").
- The Keeping Seniors Safe from Falls Act (H.R. 3701), which would require HHS to strengthen research and public education programs designed to prevent falls among seniors.

- The Food Allergy and Anaphylaxis Management Act (H.R. 2063), which would direct HHS and the Department of Education to develop guidelines for managing the risk of food allergy and anaphylaxis in schools.

VII. House Considers Global AIDS Bill

On April 2, the House of Representatives passed by a vote of 308 - 116 the Tom Lantos and Henry J. Hyde U.S. Global Leadership against HIV/AIDS, Tuberculosis and Malaria Reauthorization Act (H.R. 5501) to renew and improve the President's Emergency Plan for AIDS Relief (PEPFAR) and build upon efforts to combat tuberculosis and malaria. The bill would authorize \$50 billion over the next five years. The previous day, the Committee on Rules approved the bill with amendments. One of the amendments rejected would have changed the policy of the U.S. to training at least 140,000 new health care professionals for HIV/AIDS prevention, treatment and care instead of 140,000 new health care professionals *and workers*. APHA lobbied in support of this amendment to ensure that the 140,000 target would be limited to professionals such as physicians, nurses, clinical officers, pharmacists, laboratory technicians, and other health professionals and not include assistants in health care settings. Although assistants are important to the provision of health care, 57 countries have severe shortages of health professionals. In sub-Saharan Africa alone, more than 800,000 doctors, nurses and midwives are needed to reach a ratio of 2.3 health care professionals per thousand country residents, the minimum recommended by the World Health Organization. On March 13, the Senate Committee on Foreign Relations passed a similar version of the bill, S. 2731. The full Senate is expected to vote on the measure this month.

VIII. Newly Introduced Public Health Legislation:

- Rep. Doris Matsui (D-CA) introduced in the House the Public Health Preparedness Workforce Development Act (H.R. 5496) to address the growing shortage of public health workers. The bill would provide students and graduates in public health disciplines financial assistance, such as scholarships and loan repayment, in exchange for a commitment to work in a public health agency for a period of time. A companion bill (S. 1882) was introduced in the Senate last July. APHA has endorsed the bill. You can read a press release on the legislation with a quote from APHA's Executive Director Georges Benjamin at: <http://matsui.house.gov/Newsroom.asp?ARTICLE2939=11891>
- Rep. Elijah Cummings (D-MD) and Senators Sherrod Brown (D-OH) and Thad Cochran (R-MS) introduced the Deamonte Driver Dental Care Access Improvement Act (H.R. 5549 and S. 2723) to improve access to dental services for underserved populations, increase access to pediatric dental care under Medicaid and the State Child Health Insurance Program, to improve public education on children's dental health, and provide grants for training in pediatric dentistry.
- Senators Frank Lautenberg (D-NJ) and Olympia Snowe (R-ME) introduced the Truth in Cigarette Labeling Act (S. 2685) to prohibit tobacco companies from using false and deceptive cigarette ratings and marketing practices such as labeling cigarettes as "light" or "low tar" because these cigarettes do not actually deliver less tar and nicotine to smokers.
- Representatives Mark Udall (D-CO) and Zach Wamp (R-TN) and Senators Tom Harkin (D-IA) and Sam Brownback (R-KS) introduced S. 2748, the Physical Activities Guidelines for Americans Act. This bill would direct the Department of Health and Human Services to develop and promote physical activity guidelines and update them every five years.
- Representatives Michael Burgess (R-TX) and Bart Stupak (D-MI) introduced the Patients and Public Health Partnership Act (S. 5544) to establish a demonstration project designed to help integrated community health centers expand access to primary and preventive services for medically underserved populations,

including hiring additional primary care physicians, improving outreach and enabling continuous care coordination.

IX. POLICY WATCH: News on relevant Federal, State and local activities

Georgia Lawmakers Revamp School Obesity Bill. In an effort to better gauge childhood obesity in schools, Georgia lawmakers have removed a key provision in an anti-obesity bill called the Student Health and Physical Education Act (SHAPE) Act, S.B. 506. This provision would have forced students to “weigh-in” on scales twice a year, using height and weight as measurements for body mass index (BMI) testing. The bill’s new stipulation would require Georgia students to complete a physical fitness test, rather than using BMI to gauge overall student health.

Massachusetts Bill Would Require Statewide EHR Adoption. Massachusetts lawmakers have proposed An Act to Promote Cost Containment, Transparency and Efficiency in the Delivery of Quality Health Care (S. 2526), which would require state-wide adoption of electronic health records (EHR’s) by 2015. The bill, proposed by Senate President Therese Murray (D), would provide \$25 million a year in grants to help health care providers cover the cost of implementing EHR’s. Physicians would be required to show competency in EHR technology to gain licensure. In addition, hospitals would be required to employ computerized physician order entry systems by 2012. The bill would be funded through an increase of \$1 in the state cigarette tax, which would generate approximately \$175 million for this project by 2015. It is expected to generate \$1 billion in savings over the next 10 years.

Pennsylvania Bill Would Expand Insurance to More Residents. Pennsylvania’s House of Representatives have passed S.B. 1137 to create the Pennsylvania Access to Basic Care (ABC) program to cover about 270,000 of the state’s uninsured residents. This new program would cover legal residents between the ages of 19 and 64 earning 150 percent of the federal poverty level and have been uninsured for at least six months, at no cost. Uninsured adults earning up to 200 percent of the federal poverty level would pay premiums of \$40 - \$50 a month. Those earning up to 300 percent of the federal poverty level could purchase ABC coverage for about \$311 a month. The program would cover primary and preventive care, prescription drugs, and chronic disease management; thus providing a major improvement over the current program for uninsured adults, adultBasic. The program also assists small businesses in offering health care coverage to their employees. The program’s cost is estimated to reach \$1.1 billion by 2012-2013, and would be paid for through premiums, federal Medicaid funding, tobacco settlement funds, and medical malpractice insurance funds.

X. National Public Health Week is Next Week – April 7-13!

National Public Health Week (NPHW) 2008 will be observed from April 7–13. The theme for this year is “Climate Change: Our Health in the Balance.” There is a direct connection between climate change and the health of our nation today. Yet, few Americans are aware of the very real consequences of climate change on the health of our communities, our families and our children. During NPHW 2008, APHA will help make the connection between the way we lead our lives, our impact on the planet, and the planet’s impact on our health. We encourage you to visit the National Public Health Week website to find out more about the activities planned during the week including events happening in your community. You can visit the website at: www.nphw.org.

Take action on APHA's updated legislative alerts to support the National Public Health Week resolution, protect the Medicaid program from seven questionable regulations, ensure mental health parity, support global HIV/AIDS relief, and authorize the U.S. Food and Drug

Administration to regulate tobacco products. Help APHA influence lawmakers to make these bills a priority in 2008. You can view these and other APHA action alerts by visiting APHA's advocacy site at: <http://www.capwiz.com/apha/home/>. Check back often for new and updated action alerts.

Please [email us](#) any relevant stories from your community or state to be included in future editions of policy watch.

[Contact](#) * [APHA Home](#)

APHA 800 I Street NW, Washington DC 20001

202-777-APHA (tel) * 202-777-2534 (fax)