



## APHA Legislative Update October 2009

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### I. **Senate Finance Committee Nears Completion of Health Reform Bill**

The Senate Finance Committee worked until the early hours of the morning on Friday October 2, to all but complete its work on its version of health reform legislation. The final vote on the proposal has been delayed until the Congressional Budget Office (CBO) can score the bill as many members of the committee requested the official CBO score before casting their vote for the bill. CBO could release the score as early as today.

The proposal establishes state-based health insurance exchanges for individuals and individuals employed by businesses with less than 50 employees. The proposal would provide refundable and advanceable premium credits to individuals and families with incomes between 133-400% of the federal poverty level (FPL) and expands Medicaid for all individuals (including adults without dependent children) up to 133% of FPL beginning in 2014. The bill would require a total of about \$900 billion in new federal spending that would be offset with Medicare and Medicaid spending cuts and new tax revenue.

The committee met over a two week period and considered more than one hundred amendments to the proposed chairman's mark by Finance Committee Chair Max Baucus (D-Mont.). Many of the amendments which would have made the most substantial changes to the legislation, including several attempts to provide for a so-called "public option" for health insurance, were defeated. Among the key amendments adopted during the committee's consideration were an amendment by Sen. Maria Cantwell that would allow states to use federal funding to negotiate with health insurance plans on rates for individuals earning between 133 and 200 percent of the federal poverty level (FPL) and an amendment by Sens. Charles Schumer (D-N.Y.) and Olympia Snowe (R-Maine) to exempt 2 million people from the mandate to buy insurance because it would be a financial hardship — more than 8 percent of their income — and reduced or delayed penalties for others who don't purchase insurance.

The bill must now be combined with the proposal passed earlier this summer by the Senate Health, Education, Labor and Pensions (HELP) Committee. That bill contained several provisions

supported by APHA and not included in the Finance Committee proposal, including a “public option” as a competitive alternative to private insurance plans and \$80 billion dollars in funding over 10 years for a Prevention and Public Health Investment Fund that would provide funding for federal, state, local and community-based prevention and wellness activities. You can view APHA’s letter to Senate leaders outlining the priority provisions APHA would like to see included in the final Senate proposal at <http://www.apha.org/NR/rdonlyres/5E77BF2F-0264-45DF-9857-B932FFC81A22/0/APHASenatebillcombiningletterfinal.pdf>.

APHA’s new Health Reform Fall Advocacy Toolkit as well as other resources are available on the PHACT Campaign website at <http://www.apha.org/advocacy/tips/PHACT+Campaign.htm>.

## **II. Kerry-Boxer Introduce Senate Climate Bill**

On September 30, Senators John Kerry (D-MA) and Barbara Boxer (D-CA) introduced the Clean Energy Jobs and American Power Act. According to a press release by the bill’s sponsors, the bill would create clean energy jobs, reduce pollution, and protect American security by enhancing domestic energy production and combating global climate change.

APHA worked with key Senate offices to ensure the inclusion of a section relating to public health and climate change. The public health provisions included in the bill would require the Department of Health and Human Services (HHS) to develop a national strategic action plan for preparing for and responding to the health impacts of climate change and would provide critical funding for climate and health research, state and local preparedness activities, workforce training and development and public education about the health effects of climate change. In addition, the bill would create a Climate Change Health Protection and Promotion Fund to allow HHS to carry out the activities outlined in the bill. However, unlike the House-passed bill, which contains very similar provisions and specifically allocates 0.1 percent of proceeds generated by the bill for public health activities (estimated at about \$90 million per year), the Senate bill does not specify the funding level for the public health fund. APHA will continue to work with Senate offices, including members of the Senate Finance Committee who will likely make decisions about the specific allocations in the bill, to ensure at least the same level of funding for the public health section as contained in the House bill.

To send a message to your Senators in support of the public health provisions in the Clean Energy Jobs and American Power Act, visit the APHA website at <http://action.apha.org/site/Advocacy?cmd=display&page=UserAction&id=211>.

## **III. Ryan White CARE Act on Track for Reauthorization**

On September 25, the House passed a continuing resolution (CR) extending government operations for the remaining appropriations bills at FY 2009 levels until October 31, 2009. The Senate followed with an identical measure on September 30<sup>th</sup>. The CR extended the operation of the Ryan White CARE Act through October 31<sup>st</sup>, giving Congress an additional four weeks for the CARE Act reauthorization to pass the Senate floor, House mark-up and floor passage.

The Ryan White CARE Act compromise bill that passed out of the Senate Health, Education, Labor, and Pensions (HELP) committee by unanimous voice vote on September 30<sup>th</sup>, reauthorizes the CARE Act for an additional four years. Additional changes include a yearly five percent increase in appropriations for each part of the program and a new prevention initiative encouraging states and jurisdictions to increase HIV testing efforts and linkages to care, with a national goal of 5 million tests through federal programs. Quick Senate floor action on the bill is

expected and Senate and House staffers continue negotiations to reach a compromise bill that will be accepted by both bodies.

#### **IV. Surgeon General Nominee Approved by Senate HELP Committee**

Earlier today, October 7, the Senate Health, Education, Labor and Pensions (HELP) Committee approved by voice vote the nomination of Regina Benjamin, MD as U.S. Surgeon General.

First announced at the U.S. Surgeon General nominee on July 13, 2009, Dr. Regina Benjamin was the founder and chief executive officer of the Bayou La Batre Rural Health Clinic in La Batre, the immediate past chair of the Federation of State Medical Boards of the United States and previously served as associate dean for rural health at the University of South Alabama College of Medicine. In 2002, as the president of the Medical Association of the State of Alabama, she became the first black woman to be president of a U.S. state medical society.

Dr. Regina Benjamin's nomination now goes to the full Senate for a final confirmation vote. To see APHA's statement on the HELP Committee's approval of Dr. Regina Benjamin as U.S Surgeon General, visit our News Room at <http://www.apha.org/about/news/>.

#### **V. POLICY WATCH: News on relevant state and local activities**

*New York Governor Paterson Signed the Nursing Quality Protection Act*

Governor Paterson (D-NY) signed legislation that requires hospitals to disclose quality indicators such as staffing ratios, medication errors, and patient problems. "I am proud that New York State is leading the charge to insure our citizens and I am pleased that we are holding hospitals accountable to provide our patients with qualified nursing care" said the Governor.

#### ***Governor Schwarzenegger Signs Legislation to Keep Kids Enrolled in California's Healthy Families Program***

Governor Schwarzenegger (R-CA) signed legislation by Assembly Speaker Karen Bass (D-CA) which ensures continued health insurance coverage of over 600,000 children through the Healthy Families Program, and allows the program to be open for new enrollment. The Healthy Families Program is a state sponsored health insurance program that provides coverage for low-income children who would otherwise not be covered.

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

#### **Legislative Update Conference Call**

Join APHA's Government Relations staff for a conference call to review the October Legislative Update and give you an opportunity to ask questions and share information about public health legislation in your state. The call will be held on **Tuesday, October 13, 2009 at 1:00pm (EST)**. The call-in number is (800) 442-5794; passcode is 141930. Any problems with the call-in number should be directed to customer service at (877) 807-0970.

#### Legislation Alerts Online

Please visit our [Take Action](#) page at <http://action.apha.org/site/PageNavigator/Advocacy> to send a letter to your Congressional representatives urging their support for the APHA Agenda for

Health Reform, adequately fund public health agencies, support public health in climate change legislation, and more. Help APHA influence lawmakers to make public health a priority this year.

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

**APHA 800 I Street NW, Washington DC 20001**  
**202-777-APHA (tel) \* 202-777-2534 (fax)**