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HEALTH CARE REFORM UPDATE October 14, 2013

Leading the News

Week Two of Open Enrollment Sees Glitches Continue

Technical problems continue to plague healthcare.gov in the second week since the online Health Insurance Marketplace was launched. Administration officials have largely blamed the snags on overwhelming demand, but some experts have said that problems in the software and architecture are contributing to the persistent failures. The Administration continues to work to expand the capacity of the website and fix software bugs, with some reports suggest that the website may be altered so that users can view plan options before creating an account with the goal of easing some of the congestion on the website.

The insurance industry has so far called for patience with the website's flaws, noting that there is plenty of time to repair the website and register consumers before open enrollment ends. However, there are reports that some insurers have received incomplete or faulty data files on new enrollees. There are no official numbers yet on how many people have signed up for health insurance through the federally facilitated marketplace and the Administration has said they will release that information on a monthly basis. While the Administration has said it will not release figures until November at the earliest, Republican Members of the House Energy and Commerce Committee [sent a letter](#) to Department of Health and Human Services (HHS) Secretary Kathleen Sebelius asking her to provide data on the number of individuals who have purchased a health insurance plan in the new Health Insurance Marketplaces. While official tallies will not come out for some weeks, sources from within HHS have said that 51,000 signed up for health insurance in the first week of enrollment.

Implementation of the Affordable Care Act

On October 7, Ranking Member of the House Energy and Commerce Committee Henry Waxman (D-CA) [sent a letter](#) to Chairman Fred Upton (R-MI) to contest statements he made regarding the Affordable Care Act's (ACA) navigator program.

On October 8, the National Association of Medicaid Directors [issued](#) a snapshot detailing the first week of the ACA's open enrollment period. They noted that due to the government shutdown, discussions between states and federal officers have been postponed or cancelled, delaying work.

On October 9, the House Oversight and Government Reform Committee [held a hearing](#) examining the IRS's role in implementing and enforcing the ACA. The Director of the Affordable Care Act Office, Sarah Hall Ingram, defended the agency's role in the implementation and stated that the IRS's computer systems have operated as expected.

On October 9, the House Committee on Small Business [held a hearing](#) to examine the effect of the ACA's 30 hour definition for full-time employees. Republican members claimed the law would cause employers to change employees' schedules to avoid the mandate, while Democratic members claimed that if there were any effect, it would be negligible.

On October 10, House Energy and Commerce Committee Republicans [sent a letter](#) to HHS and two contractors who worked on the federal Health Insurance Marketplace asking for all communications from September 24 regarding the status of their work and the functionality of the marketplace in order to investigate the glitches which hampered the roll-out of the enrollment website.

On October 10, Representative Darrell Issa (R-CA) and Senator Lamar Alexander (R-TN) [sent a letter](#) to HHS Secretary Sebelius asking for details on the technical problems in the Health Insurance Marketplace, the number of people who have enrolled for health insurance, and whether those who weren't able to purchase health insurance due to technical glitches will still face a penalty.

Other HHS and Federal Regulatory Initiatives

On October 7, the U.S. Department of Agriculture's Food Safety and Inspection Service (FSIS) [announced](#) that the Centers for Disease Control and Prevention (CDC) will be partnering with state health departments to monitor the ongoing *Salmonella* outbreak in raw chicken products while the FSIS investigates the outbreak. The CDC called back 30 furloughed employees to deal with the outbreak.

Other Congressional and State Initiatives

On October 7, the House [passed](#) a partial continuing resolution which would fund the Food and Drug Administration (FDA) at the FY 2013 post-sequester funding level through FY 2014. The bill will not pass the Senate.

On October 7, the Senate Homeland Security and Governmental Affairs Committee [released](#) a staff report detailing how legal, medical, and judicial professionals can conspire to abuse Social Security disability programs.

On October 7, Representatives Jim Gerlach (R-PA), Bill Pascrell Jr. (D-NJ) and 111 other Representatives [sent a letter](#) to Centers for Medicaid and Medicare Services (CMS) Administrator Marilyn Tavenner opposing a proposal to cut Medicare payments for pathology services.

On October 9, the Foundation for the National Institutes of Health (NIH) [posted](#) a fundraising plea on its website's home page, asking concerned individuals to donate to the Foundation in order to continue funding NIH's work during the government shutdown.

On October 11, Senator Jay Rockefeller (D-WV) [released](#) a report detailing the impacts of the government shutdown. The report noted that the Consumer Product Safety Commission has fewer than 25 staff members at work nationwide and are unable to monitor and enforce lead standards and ensure consumer safety.

Other Health Care News

On October 7, the Kaiser Family Foundation [released](#) the results of a survey of Medicaid officials in all fifty states and the District of Columbia, which found that states participating in the Medicaid expansion expect an average increase of total Medicaid spending of 4.4% but a reduction in net spending. States not expanding Medicaid may still see total spending increases.

On October 10, the Kaiser Family Foundation [released](#) a report on Medicare Part D which found that Medicare beneficiaries will have on average four more plans to choose from and that the average premium is expected to rise by 5 percent.

On October 11, the Medicaid and CHIP Payment and Access Commission (MACPAC) announced they will be cancelling their meeting on October 17 as a result of the government shutdown. Their next scheduled meeting is on November 14.

Hearings and Mark-Ups Scheduled

Due to the ongoing government shutdown, the hearing schedule is in flux.