

Insurance Reform in the House and Senate Health Care Reform Bills

Over the past 8 months, the United States Congress has worked on constructing a broad reform of the American health care system by formulating and debating a series of proposals that would significantly alter the current health care insurance and delivery systems. These reform measures would have an important impact on those affected by osteogenesis imperfecta (OI), primarily by forbidding insurance companies to discriminate against persons with pre-existing conditions when selling coverage, regulating the purchase of insurance through state-based exchanges, and restricting insurance companies from putting annual and lifetime limits on coverage and cost.

Both the House of Representatives and the U.S. Senate have recently crossed major hurdles in the process towards reform, though it is likely that discussions on this monumental issue will last into calendar year 2010. After months of debate in the three committees with jurisdiction over healthcare reform and on the House Floor, the Chamber passed its comprehensive reform measure, the Affordable Health Care for America Act (HR 3962), on November 7, 2009. On the Senate side, Majority Leader Harry Reid (D-NV) unveiled the complete Senate measure, the Patient Protection and Affordable Care Act (HR 3590), on November 20, 2009. The Senate bill must be debated on the Senate floor before it can be brought to a vote, a process that is likely to take weeks. If it passes, the House and Senate bills must be combined into a singular measure, before it is set to a final vote and sent to the President to sign.

The House and Senate bills contain many parallel provisions that would have immediate and long term effects on people with OI. For example, the House bill includes immediate provisions for a new national program that ensures affordable coverage for patients who currently cannot obtain insurance because of pre-existing conditions. In the long term, the measure guarantees that insurance companies cannot engage in discriminatory practices due to a consumer's health status, including pre-existing conditions, and limits the ability of insurance companies to charge higher rates because of health status or gender. The bill would also prohibit lifetime and annual limits on the volume and cost of benefits used by an individual or a group. Additionally, the House bill creates a new, voluntary, public, long-term care insurance program, called the Community Living Assistant Services and Supports (CLASS) Act, to allow people with functional limitations access to services and supports. Under the CLASS Act individuals determined to need assistance because of functional limitations would qualify to receive a daily or weekly cash benefit to help purchase the services and supports needed to maintain personal and financial independence.

The insurance reforms in the Senate bill are very similar to those found in the House bill, making it very likely that these provisions will be included in the final 'combined' measure if one is indeed produced. The first section of the bill addresses immediate improvements in care for the majority (94%) of Americans, which includes a prohibition on insurance companies to establish lifetime limits on group or individual insurance plans and other discriminatory practices. Insurances companies are also prohibited from establishing unreasonable annual limits and rescinding coverage unless a patient intentionally commits fraud regarding his or her claim. Insurance companies will also be barred from discriminating based upon pre-existing conditions, health status, or gender when selling and distributing coverage. The Senate bill also includes a provision for CLASS which is, like in the House bill, completely voluntary.

Both bills also address the pressing needs of Medicare reform and universal coverage in the form of a public option. To learn more about these and other issues addressed in the House and Senate bills, please join the OIF advocacy team by emailing oifadvocacy@wscdc.com. As a member of OIF Advocacy, you will receive frequent and detailed updates on healthcare reform and other pertinent Washington issues.