

Molina Health Advocacy Newsletter

Molina Healthcare, Inc

November, 2011

The Voice in Healthcare



IMPLEMENTATION of ACA Moves Forward Amid Legal Challenges

It has been 19 months since the Patient Protection and Affordable Care Act (ACA) was signed into law and the implementation continues to move forward amid some snags, which include 26 states that filed a lawsuit against the law claiming it is unconstitutional. Ten of those states include Molina states: Florida, Idaho, Louisiana, Maine, Michigan, Ohio, Texas, Utah, Washington and Wisconsin. The 26 states have filed a petition for certiorari with the US Supreme Court agreeing with the 11th Circuit Court of Appeals whose earlier review of the law found that the individual mandate is unconstitutional and ask the Court

to review three other aspects of the opinion: 1. Whether the entire law must be struck down if the individual mandate is unconstitutional; 2. Whether the Federal government can force the states to administer and fund a substantial expansion of Medicaid or risk losing their federal Medicaid funding; and 3. Whether the federal government can require the states to give state employees a federally mandated level of health insurance coverage.

The National Federation of Independent Businesses (NFIB) also filed a petition asking the US Supreme Court to consider its case challenging the constitutionality of the ACA. Their question is “Whether the ACA must be invalidated in its entirety because it is non-severable from the individual mandate that exceeds Congress’ limited and enumerated powers under the Constitution.”

On the other side, the US Department of Justice has filed petitions for

certiorari with the US Supreme Court to review the constitutionality of the law by reviewing the 11th Circuit Court of Appeals’ prior ruling. The Justice Department is asking the Court to address two issues: 1. Whether Congress has the power under Article 1 of the US Constitution to enact the individual mandate; and 2. Whether the suit challenging the individual mandate is barred by the Anti-injunction Act.

We will keep you updated on the outcome of these challenges on the Molina Health Advocacy web site at:

<http://advocacy.molinahealthcare.com/>

At <http://advocacy.molinahealthcare.com> you will learn more about Molina Healthcare issues, communication with Congress or the Administration, and the legislative process. **You can also register to vote.** [Dr. Cleo’s Corner](#), the children’s section, has fun information about our government, healthy living, and a Dr. Cleo image that can be printed and colored. **Get Involved Now!**

ELECTIONS 2011

In 2011, State elections take place in 6 states, 4 of which are Molina states: Louisiana (governorship, state legislature), New Jersey (state legislature), West Virginia (governorship), and Virginia (state legislature). In West Virginia, Earl Ray Tomblin (D), pictured to the right, won the special election for Governor on October 4. He is the former State Senate President and had been Acting Governor since 2010, following Joe Manchin’s election to the US Senate. In Louisiana, Governor Bobby Jindal (R), pictured on the far right, won re-election on October 22. The state legislative elections in Louisiana, New Jersey, and Virginia will take place in November, 2011.



AT THE U.S. CAPITOL**DEFICIT REDUCTION** and its Impact on Medicaid and Medicare Funding

As Congress could not agree on a Federal budget, a 12-Member Joint Selection Committee on Deficit Reduction (“Super Committee”) was established to trim at least \$1.2 trillion from the Federal budget and to report legislation by November 23, 2011. The Committee is co-chaired by Senator Patty Murray (D-WA), pictured below on the left, and Rep. Jeb Hensarling (R-TX), pictured below on the right, with equal representation from each political party and each branch of Congress. The SC has received formal recommendations from the Senate and House Republican and Democratic caucuses. Their meetings and the outcome of their discussions have been kept secret. However, last week, a session with the SC was televised where Congressional Budget Director Doug Elmendorf was the witness. If the Super Committee can reach agreement and report legislation by the deadline of November 23, then the bill, which has been given special status meaning -- no amendments and is filibuster proof in the Senate -- will be required to pass both the House and Senate by December 23, 2011. Should all this fail, a series of automatic cuts (called sequestration) to Defense, Medicare, and discretionary spending would go into effect by 2013. There are no automatic cuts to Medicaid funding.

**UPDATE: HEALTH INSURANCE FEE**

This past summer, Molina Healthcare and Amerigroup commissioned the Marwood Group to perform an independent study/analysis of the impact of the ACA’s health plan excise tax on Federal and State Medicaid expenditures. To see the results, go to the advocacy website and click on Health Care Reform Law, 2011 Federal Affairs Update, pages 15-20.

