



Legislative and Regulatory Update

State Capitols Are Focus of Health Reform—What You Can Do

Major elements of the Affordable Care Act (ACA) go into effect on January 1, 2014. A new set of insurance rules will accompany a dramatic expansion of health care coverage through private insurance exchanges and an expansion of the Medicaid program. Both the private exchanges and Medicaid expansion are being rolled out at the state level, and your Governor's office is in high gear in terms of ACA implementation, unless you live in a state that has made the decision to not yet implement an insurance exchange or expand its Medicaid program.

As of now, approximately 18 states are implementing their own insurance exchanges, and many of the states are expanding their Medicaid programs, including at least six states with Republican Governors: Arizona, Michigan, Ohio, New Mexico, Nevada, and North Dakota. Seven states are planning for a "partnership" exchange, and twenty-six have defaulted to a federal exchange. Given federal financial incentives, it is anticipated that most if not all states will eventually expand their program. For more detailed state information on ACA implementation, [click here](#).

In states that are implementing a state-based or partnership exchange, or expanding its Medicaid program, there is a critical need for the transplant community to interact with state policymakers. Key decisions are being made every day that will impact future access to transplantation and other health care services for years to come. It is not too late to make a difference!

For instance, in states that are creating an insurance exchange, an "Essential Benefits Package" must be selected by state officials. While much of this work has already been accomplished, states will be setting specific limits and exclusions and interacting with insurers throughout this year to implement these provisions.

Similarly, states that expand their Medicaid programs will be refining the benefits covered for the category of people who will be newly eligible for Medicaid coverage. All these decisions are occurring at the state level but must comply with federal standards. ASTS has been advocating at the federal level regarding the federal standards.

ASTS Wants Your Help

It is important that ASTS members take the lead at the state level to advocate for transplantation as these programs are developed and implemented. ASTS encourages transplant surgeons to do the following, in coordination with transplant center leadership:

1. If you know of any state-based advocacy groups that work on transplantation issues, establish contact with them in order to work in coalition with like-minded organizations. Such groups could include transplant centers, OPOs, transplant patient advocacy organizations, specialty societies such as ASTS, and industry groups.
2. Call your state's Governor's office (or research online) to find out whether your state is creating an insurance exchange, developing an essential benefits package, or expanding the state's Medicaid program.
3. If your state is creating any of the above, identify contact information for the following agencies or offices: Health Insurance Exchange office, State Department of Insurance, State Medicaid Agency, Editorial board for the local newspaper.
4. Once you have contact information, send [a short letter](#) to the above offices outlining the need for exchange-based insurance plans and all Medicaid plans to cover transplantation and related services, including immunosuppressive drugs.
5. Include in the letter who you are and your experience with providing transplant services. Give transplant statistics for your state, and include an example of a patient who was positively impacted by a transplant.
6. Explain the consequences for not providing transplantation in appropriate circumstances. Insist that plans in Exchanges and new Medicaid plans cover these services as essential health benefits.
7. Provide your contact information so that the office can follow up with you.
8. Ask if you can do anything to help, including participating in town hall meeting, advisory boards, or related public forums.