

HEALTH CARE REFORM

On March 23, 2010, President Obama signed into law the Patient Protection and Affordable Care Act (H.R. 3590). One week later, he signed the Health Care and Education Reconciliation Act of 2010 (H.R. 4972). Together, these laws represent the most sweeping health care reforms in U.S. history. Some of the most important provisions for individuals with brain injury and their families include:

- The opportunity to keep your current health insurance, assuming you make premium payments on individual or group plans and/or maintain eligibility for Medicare and Medicaid programs;
- A mandate on individuals and employers to obtain or provide health insurance by 2014 or face penalties, except in the case of financial hardship and religious objections;
- Creation of a high-risk pool to provide immediate assistance to those currently uninsured with pre-existing conditions before insurance market reforms are implemented;
- Establishment of state-based Health Insurance Exchanges effective in 2014 with an essential benefits package that requires coverage for hospitalization, physician services, prescription drugs, rehabilitation and habilitation services and devices, vision and oral pediatric services, mental health services and chronic disease management services, among others;
- Major insurance company reforms phased in between 2010 and 2014 for individual and small group plans such as the elimination of discrimination based on health status, a prohibition on pre-existing condition exclusions (including implementation of an immediate ban on exclusions for children), guaranteed issue and renewal requirements, and the elimination of annual and lifetime caps;
- Inclusion of the Community Living Assistance Services and Supports (CLASS) Act, a new actuarially sound, premium-based, voluntary, national long term services insurance program to help adults with severe functional impairments to remain independent, employed, and a part of their communities, without having to impoverish themselves to become eligible for Medicaid;
- Inclusion of a Community First Choice Option to Provide Medicaid Coverage of Community-Based Attendant Services and Supports, allowing states to offer such services to people otherwise eligible for Medicaid institutional services;
- Significant investments in Medicaid to dramatically expand eligibility;
- Substantial federal subsidies and out-of-pocket limits to make coverage as affordable as possible;
- New mechanisms and payment methods to better coordinate chronic care for people with disabilities;
- An extension of the exceptions process to the Medicare therapy caps on physical, occupational, and speech and language therapies;
- Development of standards for accessible diagnostic and other medical equipment;
- Inclusion of individuals with disabilities in research and data collection;
- Major federal investments in prevention and education/training for allied health professionals.

IMPORTANT NOTE:

Rehabilitation was not included in the original version of the Senate bill that became law. It was only through the Brain Injury Association of America's relentless advocacy that this vital component of brain injury recovery was listed as a covered service that individual and small group health insurance plans will be required to provide as of 2014. The importance of this victory for people with brain injury cannot be overstated, but there is still critical work ahead on regulatory language and enforcement. BIAA is deeply grateful to its nationwide network of advocates and the generous donors who supported our health care reform campaign.