

Journal of Health Care Law and Policy

Volume 17

Issue 1 *Symposium: Health Care Reform: The State of the States Roundtable*

Article 2

Introduction

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Recommended Citation

Tereza Hess, *Introduction*, 17 J. Health Care L. & Pol'y 1 (2014).

Available at: <http://digitalcommons.law.umaryland.edu/jhclp/vol17/iss1/2>

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SYMPOSIUM:

HEALTH CARE REFORM: THE STATE OF THE STATES ROUNDTABLE

INTRODUCTION

The Patient Protection and Affordable Care Act (ACA) is designed to improve access to insurance coverage for millions of Americans. To achieve its goal of near universal coverage, the ACA implements three primary mechanisms to increase health insurance coverage: (1) market reforms, (2) the establishment of marketplace exchanges, and (3) the expansion of Medicaid. Because the states play a significant role in implementing these mechanisms, on March 1, 2013, the University of Maryland Francis King Carey School of Law's Law & Health Care Program sponsored a roundtable conference on the decisions that the states are making regarding benchmark plan implementation, standards for qualified health plans, implementation of an exchange, and the numerous issues related to expanding insurance coverage for persons eligible under Medicaid expansion. Entitled *Health Care Reform: The State of the States Roundtable*, the conference brought together a number of legal academics and policymakers from different states to discuss the implementation decisions, challenges, and successes of health insurance exchanges and Medicaid expansion on both the state and federal levels.

Participants in the *Health Care Reform: The State of the States Roundtable* had the opportunity to share their legal expertise in the ACA's complex framework, and unite to strategize on how to further assist their states with the implementation process. Discussions included the key deadlines for implementation of the ACA's provisions, the steps that states must take into order to align with ACA commercial market reforms, and solutions to the unique challenges presented during the implementation process. Authored by roundtable participants, the Symposium articles published in this issue of the *Journal of Health Care Law & Policy* are outgrowths of the roundtable, and provide a deeper look into some of the crucial topics surrounding the ACA, health insurance exchanges, and Medicaid expansion.

Brietta R. Clark, professor at the Loyola Law School in Los Angeles, California, presented on the issues of consumer participation and access to care relating to health insurance exchanges. Professor Clark's article, entitled *Getting People to Make the Right Choice Under the ACA: The Most Important "Sales Pitch" of Obama's Presidency*, discusses the modern theory of effective selling to critique the Obama administration's implementation of the ACA as it relates to the

individual mandate. The article also identifies the factors that create resistance to buying health insurance and suggests tools for overcoming this resistance.

Ann Marie Marciarille, professor at the University of Missouri-Kansas City School of Law, presented on Medicaid expansion and uncovered populations, discussing these populations and safety-net services in great depth. In her article, *The Medicaid Gamble*, Professor Marciarille discusses the gamble of Medicaid expansion by analyzing the ACA's goals for Medicaid, the transformation of these goals by the U.S. Supreme Court's decision in *National Federation of Independent Business v. Sebelius*, and the decision to leave expansion to the states. *The Medicaid Gamble* also provides a comprehensive framework for understanding the complex evolution of Medicaid.

Sallie Thieme Sanford, professor at the University of Washington School of Law, presented on Medicaid expansion and uncovered populations, leading a discussion on Medicaid expansion states and options to address affordability and churn. Professor Sanford's article, entitled *Mind the Gap: Basic Health Along the ACA's Coverage Continuum*, discusses the gap between expanded Medicaid and the insurance Marketplaces, and the ACA's provisions that allow states to enact a Basic Health Program (BHP) supported by federal funds. In her article, Professor Sanford explains key issues in a state's decision of whether to adopt a BHP, as well as evolving coverage options.

On behalf of the *Journal of Health Care Law & Policy*, I would like to thank the University of Maryland Francis King Carey School of Law's Law & Health Care Program for sponsoring this Symposium, as well as all of the roundtable participants who facilitated this discussion. I would also like to thank Diane Hoffmann, our Faculty Advisor, for her support and guidance throughout the year, and Virginia Rowthorn, Managing Director of the Law & Health Care Program, for being a constant source of encouragement. Beyond their roles in assisting the *Journal*, I would also like to thank Professor Hoffmann and Professor Rowthorn for their remarkable dedication to the Law & Health Care Program, and for creating the U.S. News-ranked number one Health Care Law Program in the United States.¹ I also extend my deepest gratitude to the *Journal* staff and editorial board for their dedication, camaraderie, and support during the production of this issue.

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Editor in Chief

¹ *Best Law Schools: Health Care Law*, U.S. NEWS & WORLD REPORT, <http://grad-schools.usnews.rankingsandreviews.com/best-graduate-schools/top-law-schools/clinical-healthcare-law-rankings> (last visited May 30, 2014).