



LOS ANGELES COUNTY COMMISSION ON HIV

POLICY
BRIEF
NO. 5

Early Treatment for HIV Act 2009: (ETHA 2009) HR 1616

BACKGROUND: On March 19, 2009, US House Representatives Elliott Engle (D-NY), Nancy Pelosi (D-CA) and Ileana Ros-Lehtiner (R-FL) reintroduced legislation to expand access to care and treatment for people with HIV. The Early Treatment of HIV Act of 2009 (ETHA) proposes to change Medicaid law by granting states the option to expand Medicaid (California's Medi-Cal program) to people with HIV without requiring that individuals become disabled in order to qualify for coverage. In order to create an incentive for states to expand coverage, ETHA offers increased reimbursement through an enhanced federal match rate. ETHA is modeled after the Breast and Cervical Cancer Prevention and Treatment Act of 2000, which grants states the option to extend Medicaid coverage to women with certain cancers without requiring that they become disabled.

MEDICAID AND DISABILITY: It is important to know how Medicaid eligibility functions in the current system in order to understand ETHA. There are two primary Medicaid eligibility requirements: 1) the potential beneficiary must have limited income/assets, and 2) s/he must fall into one of Medicaid's eligibility categories. Medicaid eligibility categories are linked to an individual's personal circumstances (health status, age, or family structure). Under current rules, childless

adults between the ages of 21-65 must meet Social Security's disability requirements in order to qualify for coverage under Medicaid. For people with HIV, this requirement means that someone must be experiencing severe, disabling manifestations of HIV or AIDS before qualifying for coverage. Under ETHA, states would have the option to extend Medicaid coverage to low-income people with HIV. Beneficiaries would not be required to be experiencing HIV-related symptoms or disabling complications. To qualify for coverage under ETHA, beneficiaries will continue to be required to meet Medicaid's income/asset tests.

WHAT WILL ETHA ACCOMPLISH? The primary goals of ETHA are to increase early access to HIV-related treatment for people with limited resources, improve health outcomes of people with HIV, prevent the transmission of HIV, and reduce overall costs to the health care system.

In 2003, The Treatment Access Expansion Project (TAEP) conducted a study with Pricewaterhouse Coopers to examine the impact that ETHA would have over the initial ten year period following implementation. The study demonstrated that, within ten years, ETHA would accomplish all of the goals listed above. Specifically, the study findings indicate that ETHA will:

- Reduce the death rate for persons living with HIV on Medicaid by 50%;
- Slow disease progression and improve health outcomes, with 35,000 more people with CD4 counts above 500 under ETHA than under baseline Medicaid; and
- Decrease federal Medicaid spending by nearly \$32 million.

http://www.taepusa.org/documents/PwC_ETHA_Report.pdf

IN THIS YEAR OF HEALTH CARE REFORM, WHY DO WE NEED ETHA?

Currently, there is a great deal of national discussion about health care reform. Several plans and proposals are being explored, but there are still many unknowns. A majority of the current proposals, however, do not guarantee universal coverage for all. Instead, the proposals seek to expand or amend existing private and public health care programs, including Medicaid. Because we cannot be sure that people with non-disabling HIV will be included in any of the current proposals, we must act now, through ETHA, to ensure early access to Medicaid for all low-income people with HIV.

NEXT STEPS: There have been several previous attempts to pass ETHA legislation. In this year of health care reform, as Congress is closely examining all aspects of the country's health care system, passage of ETHA may finally become a reality. But it will take your effort and support. To get involved, contact your Congressional representatives and urge them to support ETHA.

by **Julie Cross**
Benefits Consultant