

The Potential Impacts of the Midterm Elections on Public Health

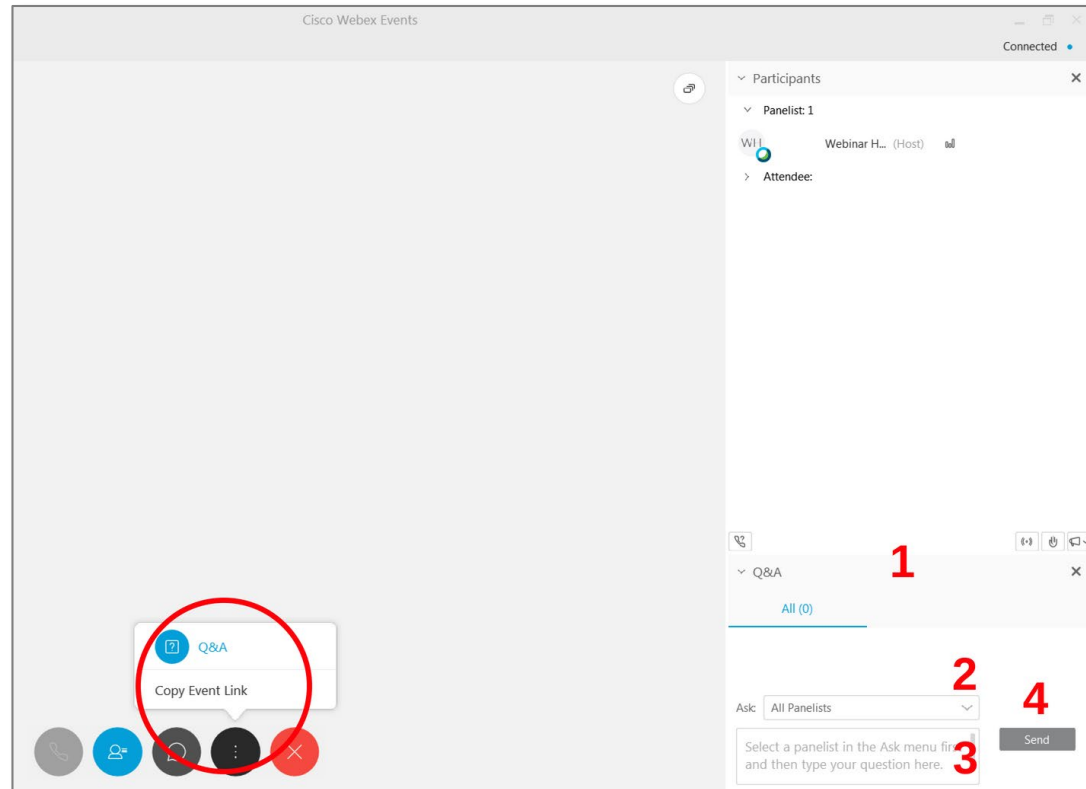
December 6, 2018 1:00 p.m. EST

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Moderator



Chelsea Gulinson, Staff Attorney, Network for Public Health Law – Western Region

- J.D., Sandra Day O'Connor College of Law, Arizona State University
- Research interests/areas of expertise:
 - Emergency Preparedness
 - Opioid Crisis
 - Reproductive Health and Technology
 - Obesity Prevention
 - Food Security

Presenter



Sarah Somers, Managing Attorney, Network for Public Health Law – Southeastern Office and the National Health Law Program

- J.D., University of Michigan Law School
- M.P.H., University of North Carolina Gillings School of Global Public Health
- Research interests/areas of expertise:
 - Medicaid
 - Child Health
 - Managed Care in Medicaid
 - Disability Rights

Presenter



Elizabeth McCaman, Staff Attorney, the National Health Law Program

- J.D., Hastings College of the Law, University of California
- M.P.H., Harvard University
- Research interests/areas of expertise:
 - Medicaid
 - Private Insurance
 - Scope of Practice
 - Family Planning
 - Reproductive Health Law

The Potential Impacts of the 2018 Midterm Elections on Public Health

Sarah Somers

Shift in Control at the House of Representatives



Revised Legislative Agenda:

- ACA Repeal
- Medicaid Block Grants
- Medicaid Work Requirements



State Government : Flip from GOP to Democratic

Governorships

Illinois

Kansas

Maine

Michigan

Nevada

New Mexico

Wisconsin

Legislatures

Colorado

Connecticut

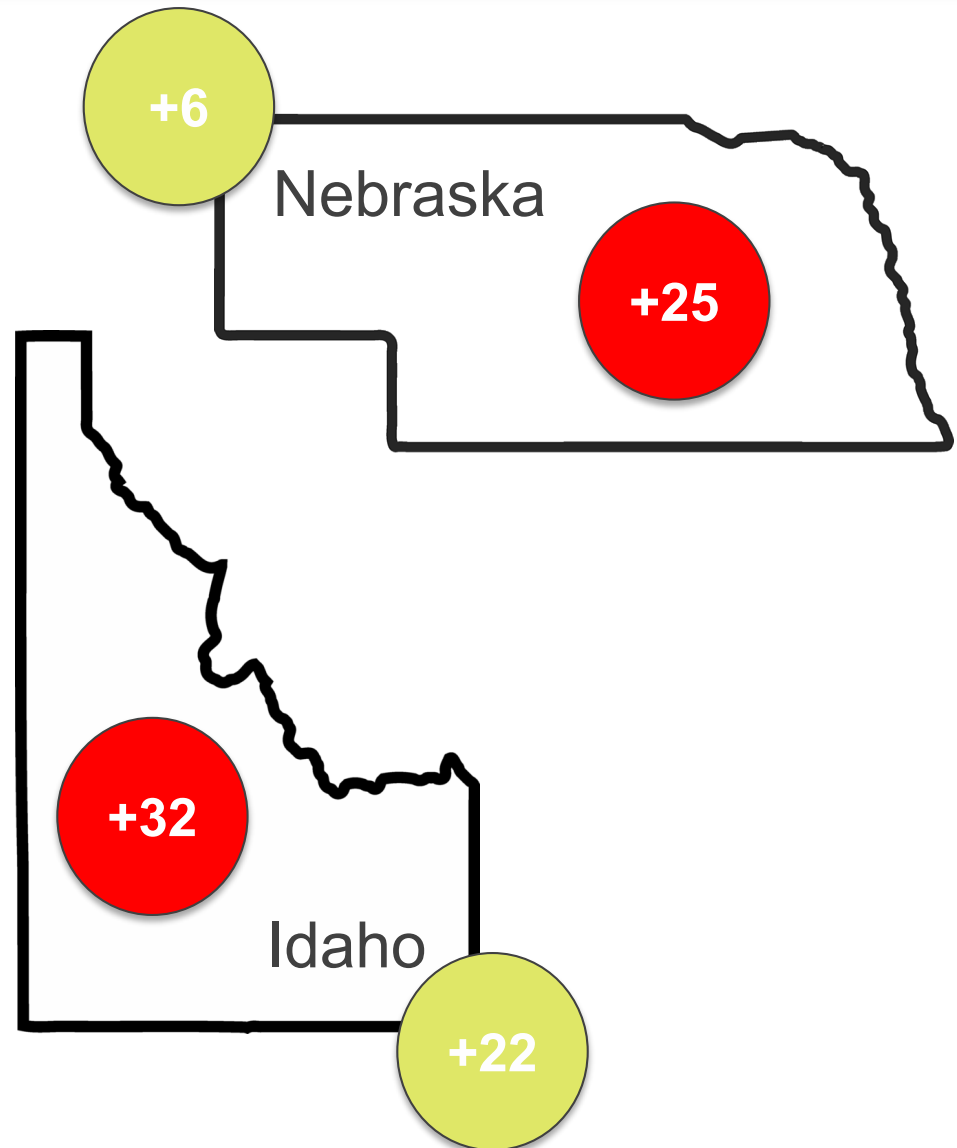
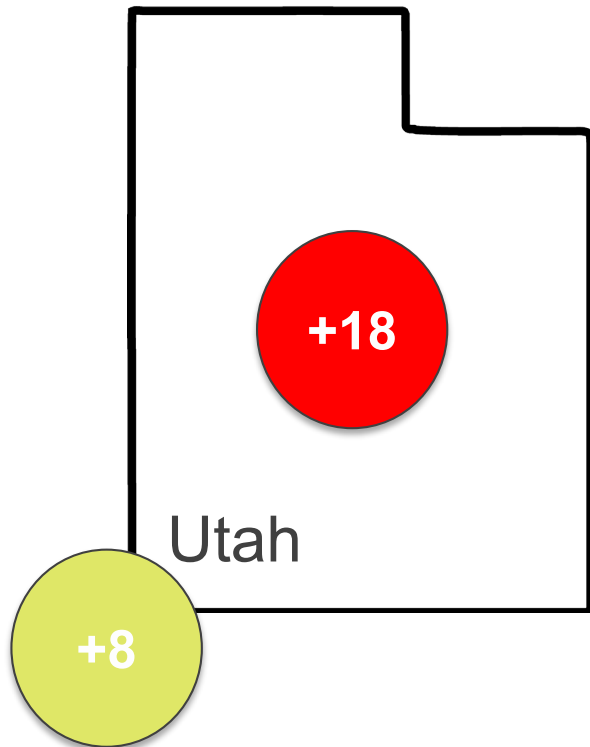
Maine

Minnesota

New Hampshire

New York

Ballot Initiatives



Senate remains unchanged

...and will continue to appoint judges



Executive Actions Will Continue

- 1115 Waivers in Medicaid
- “Public Charge” requirements
- Reproductive health issues



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The Network for Public Health Law is a national initiative of the Robert Wood Johnson Foundation.

The Potential Impacts of the Midterm Election on Reproductive Health

Network for Public Health Law
December 6, 2018



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Public Health, Reproductive Health, and Health Equity

- Public Health
- Health Equity
- Reproductive
 - Rights
 - Health
 - Justice
- Reproductive Health Equity



Ballot Initiatives and Reproductive Health

- Oregon Measure 106
 - REJECTED: 64.5% against
- West Virginia Amendment 1
 - PASSED: 51.7% in favor
- Alabama Amendment 2
 - PASSED: 59% in favor
- Nevada State Question 2
 - PASSED: 56% in favor
- Massachusetts Question 3
 - PASSED: 69% in favor

State Legislatures and Reproductive Health

- Chambers swung blue
 - CO Senate*
 - CT Senate*
 - ME Senate*
 - MN House
 - NH House & Senate+
 - NY Senate*
- Broken GOP supermajorities
 - NC House & Senate
 - MI Senate+
 - PA Senate

*Gained Democratic trifecta
+ Fallen Republican trifecta

Governors and Reproductive Health

- Pro-Choice Governors (Re)Elected:

- Colorado's Jared Polis*
- Connecticut's Ned Lamont*
- Illinois' J.B. Pritzker*
- Kansas' Laura Kelly
- Maine's Janet Mills*
- Michigan's Gretchen Whitmer+
- Nevada's Steve Sisolak*
- New Mexico's Lujan Grisham*
- New York's Andrew Cuomo*
- Wisconsin's Tony Evers

- Anti-Choice Governors (Re)Elected:

- New Hampshire's Chris Sununu+

*Gained Democratic trifecta

+ Fallen Republican trifecta

Medicaid Litigation and Reproductive Health

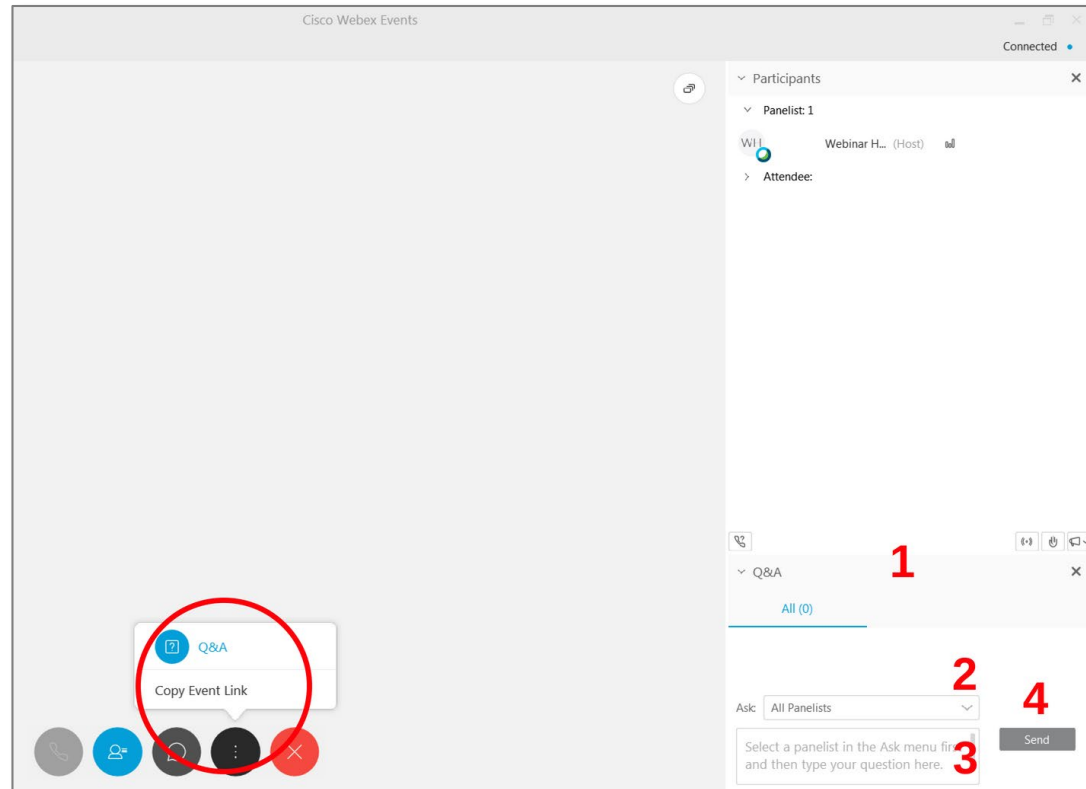
- Medicaid “Qualified” Providers
 - 42 U.S.C. § 1396a(a)
 - Requires participating states to include in their plans the ability of individuals to obtain services from any “qualified” provider
- Anti-Choice Executive Action
 - States hostile to reproductive health have attempted to kick abortion providers and Planned Parenthood clinicians out of the state Medicaid program, claiming they are not “qualified”
- Issue Before SCOTUS
 - Whether the Medicaid Act created an implied private right of action to challenge a state’s determination that a provider is not “qualified”
 - Up for Conference 11/30/18

Thank You!



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Thank you for attending

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Key Public Health Initiatives: A Year in Review
NEXT WEEK: December 13, 1:00 – 2:30 p.m. EST



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