

## Making Obamacare Work for Your State

### LGBT State Exchanges Project at the Center for American Progress

The Affordable Care Act, also known as Obamacare, will transform how LGBT people and families get the health care we need. The centerpiece of the law is the new health insurance exchanges — despite what you may have heard, starting in 2014, every state will have an online marketplace where people can compare plans and buy affordable coverage that meets their needs. Every state will have a unique process for establishing its exchange, meaning LGBT organizations can dramatically influence the inclusion of the LGBT community in their state's exchange.

# 68 Million

People who will be covered by plans that must meet the minimum level of coverage set by the Essential Health Benefits standard

# 20 Million

People who will buy plans through exchanges

# 16 Million

People who will have Medicaid coverage for the first time, if all states adopt the income eligibility expansion

### Goals of the LGBT State Exchanges Project

- Ensure that state exchanges fairly serve all customers by prohibiting discrimination, making enrollment accessible on an equal basis for LGBT families, and removing insurance exclusions that deny health care to transgender people.
- Ensure that state exchanges engage LGBT people through consumer assistance programs and other outreach, marketing, and enrollment activities.
- Ensure that exchanges collect confidential data on sexual orientation and gender identity and use it to help improve the health of LGBT communities.

### Recent Milestones

- Regulations from the U.S. Department of Health and Human Services prohibit the exchanges from discriminating on the basis of sexual orientation and gender identity in any of their activities.
- These regulations also prohibit insurance plans sold through the state exchanges from discriminating on the basis of sexual orientation and gender identity.

### Engaging Your Organization in State Exchange Work

1. Determine if your organization has the time and capacity to work in this area
2. Determine if your state has established an exchange. The National Conference of State Legislatures has useful resource for tracking state progress on exchanges at: <http://www.ncsl.org/issues-research/health/state-actions-to-implement-the-health-benefit-exch.aspx>
3. Determine if your state has advocacy groups already working on exchange issues. Two national organizations that operate through state-based affiliates and have experience collaborating with both LGBT and consumer advocacy groups are Community Catalyst and Raising Women's Voices for the Health Care We Need.

## LGBT State Exchanges Project Policy Recommendations

The LGBT State Exchanges Project has put together these recommendations for exchange policies as best practices for including LGBT people and families.

### Exchange administration and governance

- Prohibit discrimination by exchanges on the basis of sexual orientation and gender identity, as required by federal regulations
- Ensure that exchange enrollment policies include same-sex couples and their families

### Essential health benefits

- Prohibit discrimination on the basis of sexual orientation and gender identity in any plan based on the essential health benefits standard
- Prohibit the use of arbitrary condition-based exclusions in any plans based on the essential health benefits standard
- Issue guidance clarifying that the prohibition on arbitrary condition-based exclusions includes the use of exclusions specifically targeting the transgender population

### Certification of qualified health plan (QHP) issuers

- Prohibit discrimination by qualified health plan issuers on the basis of sexual orientation and gender identity, as required by federal regulations
- Require QHP issuers to affirm that their plans provide coverage for all medically necessary essential benefits without arbitrary discrimination on the basis of factors such as gender identity, sexual orientation, diagnosis, or medical condition

### Medicaid

Encourage states to adopt the Affordable Care Act's income-based eligibility expansion for Medicaid

### Navigator programs and other outreach and enrollment activities

- Prohibit discrimination by navigators, who will connect eligible individuals with coverage through the exchanges, on the basis of sexual orientation and gender identity, as required by federal regulations
- Require LGBT cultural competency training for navigators
- Include images and language relevant to LGBT people and their families in outreach, education, and marketing materials
- Provide information that accurately addresses issues of importance to LGBT consumers, such as plans that offer domestic partner benefits and benefits such as long-term care, comprehensive mental and behavioral health services, and HIV/AIDS care
- Include LGBT community-based organizations as navigators

### Data Collection

- Collect confidential data on the sexual orientation and gender identity of exchange enrollees
- Adopt robust privacy protections for all demographic data collected from exchange enrollees

Contact Kellan Baker ([kbaker@americanprogress.org](mailto:kbaker@americanprogress.org)) with questions, or for more information about additional resources on state-based exchanges