

Laws with claws

Congress improves access to health insurance, tightens clean-water safeguards, guts welfare

by Bob Roehr

Congress hammered out a series of compromises in the week before its Aug. 2 recess to pass significant legislation dealing with health insurance, welfare and drinking water. The measures all passed with strong bipartisan support and President Clinton has said he will sign them. While none explicitly mentions gay men and lesbians, each will greatly affect some members of the community, particularly people with HIV or other long-term health problems.

HEALTH INSURANCE

Health insurance will become easier to purchase and maintain. Pre-existing conditions will no longer be grounds to deny coverage, though insurers can still limit coverage on those conditions during the first 12 months a policy is in force. People who have gone through that waiting period will be considered vested in all policies and not have to wait again if they switch coverage to another company.

Insurance companies are also prohibited from dropping the policies of people when they become sick, so long as they continue to pay their premiums. And 750,000 medical savings accounts will be authorized as a four-year experiment in alternative financing and management of health insurance.

Payouts for viatical settlements and accelerated benefits for the terminally ill will become tax exempt. All of these provisions take effect next July.

These issues of "portability" affect 25 to 30 million Americans, according to a study by the General Accounting Office, a research arm of Congress. Many workers feel locked into their current job because they might not qualify for health insurance elsewhere or they may have a waiting period until they do qualify.

That is particularly important for people with HIV infection. New therapy options promise to turn the disease into a much more long term, chronic and manageable one where people will be able to continue working while on expensive therapies. Maintenance of health insurance is very important.

Ben Schatz, executive director of the Gay and Lesbian Medical Association, called the reform "very significant for the gay community because it does increase access to care."

"Gay and lesbian people tend to be more likely to work in alternative or small businesses, and as a result portability is terribly important," he said. "The concerns about pre-existing conditions are quite important to people with HIV and, quite frankly, to people who are perceived to be at risk for HIV."

WELFARE

The main controversy surrounded welfare reform legislation that ends 61 years of federal guarantees of cash payments to the needy. It also requires recipients to find work after two years and limits lifetime benefits to a total of five years. Republicans gave almost unanimous support to the measure while Democrats divided nearly evenly. President Clinton has said he will sign the

measure; it will go into effect on Oct. 1.

The core of the change is to allow much greater flexibility to create and administer programs at the state level. A few states seem well positioned to use those powers creatively to move welfare recipients into the workplace and economic self-sufficiency, while others have not even begun to plan for such responsibility. It will be years before we can even begin to realize the full impact of these changes.

The greatest impact on gay men and lesbians is likely to come through a provision that allows, but does not require, states to deny Medicaid and state-administered programs such as General Assistance, Ryan White and AIDS Drug Assistance Programs to legal immigrants who are not citizens, if they so choose.

Another provision limits eligibility for Food

Stamps to three months for those who have not received a ruling under Social Security Disability Insurance that they are disabled. Tom McCormack, author of *The AIDS Benefits Handbook*, worries that it often takes six to 12 months for Social Security to issue a disability ruling even for someone with full-blown AIDS.

Christine Lubinski, deputy director of the AIDS Action Council, said the bill "punishes low-income people with HIV and AIDS who, absent vital

health care and nutritional support and income assistance that the welfare system now provides, will face needless pain and swifter death." She called President Clinton's decision to sign the bill "a breach of his promise" to protect Medicaid.

DRINKING WATER

The Safe Drinking Water Act was strengthened and reauthorized. It shifts attention from all pollutants to focus on those most dangerous to human health. It calls for the Environmental Protection Agency to establish tougher standards to fight *Cryptosporidium* and other contaminants.

"Crypto" is the waterborne parasite that struck Milwaukee in April 1993. It caused illness in over 400,000 people, sent 4,500 to the hospital, and killed 110. Most of those who died were HIV positive.

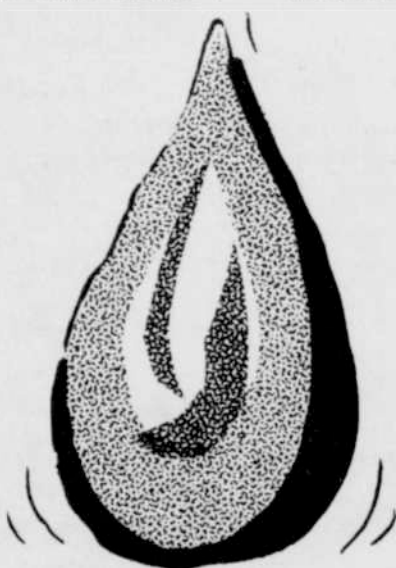
The bill contains a "right to know" provision that for the first time requires local water authorities to tell the public what potential health risks are in their water supply. Authorities must quickly notify the public whenever dangerous levels of such substances appear.

To help upgrade water systems a revolving loan fund was created consisting of up to \$1 billion a year for seven years which can be tapped by the states.

Mike Shriver, public policy director for the National Association of People with AIDS, said the bill is "a good step forward, but it doesn't go far enough."

One of Shriver's concerns is that Congress did not meet an Aug. 1 deadline to assure that \$725 million continue to be made available for upgrading water systems. However, he says he believes the matter is a technical one that will be corrected when Congress returns in September.

President Clinton signed the bill at an Aug. 6 ceremony.

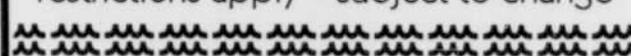


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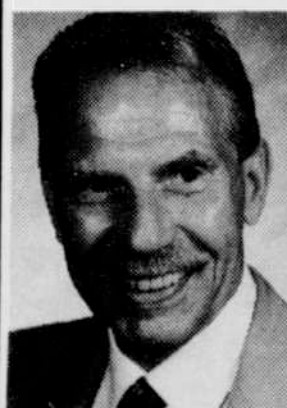
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