The Annals of Health Law is proud to present the Ninth issue of our online, student-written publication, Advance Directive. As has become tradition over the past few years, this Issue features articles that correspond with our Sixth Annual Symposium on Access to Health Care presented by the Beazley Institute for Health Law and Policy: Comparative Universal Coverage Efforts & Expanding Access to Health Care. The authors examine a variety of issues related to universal coverage and expansion of access to health care, including challenges related to the continued implementation of the Patient Protection and Affordable Care Act (PPACA).

The Issue begins by looking at lessons the United States can learn from other countries, and even its own past. First, we examine how the United States can learn from China’s attempts at expanding access to health care for individuals living in rural poverty. Second, we analyze Chile’s efforts to treat and pay for chronic conditions and whether these efforts could be translated to the United States’ health care system. Finally, we discuss President Nixon’s proposals for health reform, and if Congress should have incorporated more of Nixon’s proposal into the final version of the PPACA.

The Issue then addresses the role that the states will play in implementing the PPACA and expanding access to coverage. Since the Supreme Court’s decision in National Federation of Independent Business v. Sebelius allows each state to decide whether to expand Medicaid, our authors analyze the costs and benefits to a state that chooses to expand eligibility in its Medicaid program. Our authors then analyze the role that exchanges will play in expanding access to healthcare coverage and the efforts that California has already begun to build an effective exchange.

Our authors next address the effect that the PPACA implementation has on hospitals, a major player in the healthcare industry. First, our authors discuss the role of non-profit hospitals in providing care and the challenges that non-profit hospitals are currently facing. Specifically, our authors examine the reimbursement models and additional tax-exemption requirements imposed by the PPACA, and how non-profits will have to adapt to these changes. Second, we examine the consolidation that has occurred in the hospital industry since the passage of the PPACA, and the ways in which anti-trust enforcement has prohibited some hospitals from merging, and thus, prevented hospitals from fully preparing for the changes under the PPACA.

The Issue then addresses some of the legal questions that still remain regarding implementation of the PPACA, and those effects that are yet unclear. First, we examine the United States District Court for the District of Columbia’s decision in Wheaton College v. Sebelius that the plaintiffs’ challenge to the PPACA’s contraceptive mandate lacked sufficient standing. Specifically, our authors address the ways in which this decision will affect pending lawsuits challenging the contraceptive mandate and the implementation of the PPACA. Then, our authors address the question of whether the PPACA will succeed in reducing costs, and examine changes in the future that could further reduce health care costs.
Finally, the Issue concludes by examining those areas of the health care system where major gaps still exist and that still require a comprehensive solution. Our authors begin by examining the failure to adequately treat and pay for long-term care in the United States. Next, we analyze the role that long-term care referral websites play in expanding access to long-term care, including examining the fraud and abuse rules with which these websites must comply. Then, we discuss the mental health care system and the need for the federal and state governments to pay greater attention to this sector.

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We hope you enjoy your Ninth Issue of Advance Directive.

Sincerely,

Carrie S. Gilbert
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