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Sick kids still might be denied insurance

Companies see loophole in health-reform law

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BY ROBERT PEAR

THE NEW YORK TIMES

WASHINGTON - Only days after President Barack Obama signed the new health-care law, insurance companies already are arguing that, at least for now, they do not have to provide one of the benefits that the president calls a centerpiece of the act: coverage for sick children.

At issue is how the industry has to treat children with pre-existing medical conditions.

Obama, speaking at a health-care rally in Virginia on March 19, said, "Starting this year, insurance companies will be banned forever from denying coverage to children with pre-existing conditions."

The authors of the law say they meant to ban discrimination against children with such conditions as asthma, diabetes, birth defects, leukemia, cystic fibrosis and sickle-cell disease. The goal, they say, was to provide those youngsters with access to insurance and to a full range of benefits once they are in a health plan.

To insurance companies, the language of the law is not so clear.

Insurers agree that if they provide insurance for a child, they must cover pre-existing conditions. But, they say, the law does not require them to write insurance for the child and it does not guarantee "availability of coverage" for all until 2014.

William G. Schiffbauer, a lawyer whose clients include employers and insurance companies, said: "The fine print differs from the larger political message. If a company sells insurance, it will have to cover pre-existing conditions for children covered by the policy. But it does not have to sell to somebody with a pre-existing condition. And the insurer could increase premiums to cover the additional cost."

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Congressional Democrats were furious when they learned that some insurers disagreed with their interpretation of the law. "The concept that insurance companies would even seek to deny children coverage exemplifies why we fought for this reform," said Rep. Henry A. Waxman, D-Calif., chairman of the Energy and Commerce Committee.

Sen. Jay. Rockefeller, D-W.Va., chairman of the Senate commerce committee, said: "The ink has not yet dried on the health-care reform bill, and already some deplorable health-insurance companies are trying to duck away from covering children with pre-existing conditions. This is outrageous."

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The issue is one of many that federal officials are tackling as they prepare to carry out the law, with a huge stream of new rules, official guidance and brochures to educate the public. Their decisions will have major practical implications.


Insurers say they often limit coverage of pre-existing conditions under policies sold in the individual insurance market. Thus, for example, an insurer might cover a family including a child with a heart defect, but exclude treatment of that condition from the policy.

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