

# National Coalition on | **BENEFITS**

## **States have ample authority to enact health reform without altering ERISA**

States have significant authority to achieve far-reaching health reform for their residents. ERISA is not an obstacle to numerous reform initiatives which states are free to enact to help expand health coverage, lower costs and improve health quality. Here are just 10 examples.

1. Does ERISA preempt states from subsidizing health coverage for low-wage working families or small employers?

**Answer: No, ERISA does not preempt this state authority.**

2. Does ERISA preempt states from expanding health coverage using state income tax funds or other existing state revenue sources

**Answer: No, ERISA does not preempt this state authority.**

3. Does ERISA preempt states from enacting a requirement that all individuals obtain a basic level of health insurance?

**Answer: No, ERISA does not preempt this state authority.**

4. Does ERISA preempt states from enacting incentives to encourage proven wellness or disease prevention programs, including those targeted at obesity, smoking, heart disease or diabetes?

**Answer: No, ERISA does not preempt this state authority.**

5. Does ERISA preempt states from reducing or eliminating mandated benefits on health insurance coverage in order to make it more affordable?

**Answer: No, ERISA does not preempt this state authority.**

6. Does ERISA preempt states from giving consumers greater information on the price and quality of health care services so they can make better decisions about needed services?

**Answer: No, ERISA does not preempt this state authority.**

7. Does ERISA preempt states from establishing "pay for performance" financial incentives to encourage health care providers to deliver high

quality, evidenced-based care to their patients?

**Answer: No, ERISA does not preempt this state authority.**

8. Does ERISA preempt states from establishing high risk insurance pools for individuals who are otherwise unable to obtain health coverage?

**Answer: No, ERISA does not preempt this state authority.**

9. Does ERISA preempt states from enacting medical liability reform to lower the costs of "defensive medicine" and excessive litigation?

**Answer: No, ERISA does not preempt this state authority.**

10. Does ERISA preempt states from reallocating state and federal Medicaid funds to better meet the health coverage needs of their low-income residents?

**Answer: No, ERISA does not preempt this state authority.**