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Engaging Human Rights Norms to Realize Universal and Equitable Health Care in Massachusetts

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Research Panel: Place-Based Rights: Connecting Global to Local

Presenters: April Jakubec, University of Massachusetts Boston; Mariah McGill, Northeastern University School of Law; Gillian MacNaughton, University of Massachusetts Boston

Title: Engaging Human Rights Norms to Realize Universal and Equitable Health Care in Massachusetts

Abstract:

Massachusetts health care law served as the model in 2010 for the federal Patient Protection and Affordable Care Act (PPACA). In 2006, Massachusetts adopted sweeping health care reforms. The law sought to increase health care insurance coverage for residents of Massachusetts by:

- (1) Mandating that all adults in the state have health care insurance unless an affordable option was not available;
- (2) Expanding Medicaid;
- (3) Creating a new program of subsidized private insurance for low- and moderate-income residents; and
- (4) Establishing a transparent health care insurance market exchange.

Previous studies on the Massachusetts health care reforms of 2006 have analyzed progress in comparison to the pre-2006 situation. Findings include the achievement of greater health insurance coverage and health service utilization; they also reveal that about 250,000 Massachusetts residents are still without health insurance; many people with health insurance cannot afford health care due to high deductibles and co-payments; and high medical debt and bankruptcies persist.

Ten years after its adoption, this study assesses the success of the 2006 Massachusetts reforms by comparing the health care system today not to the pre-2006 situation, but to international legal and ethical norms on the human right to health care. Additionally, researchers interviewed twenty-five experts on the Massachusetts 2006 health care reform to explore their opinions on whether human rights frameworks generally, or the international human right to health care in particular, could be useful in securing universal and equitable health care in the state.

The study concludes with recommendations on the ways in which human rights norms might be most usefully engaged toward realizing the right to health care for all in Massachusetts. As many of the Massachusetts reforms have now been adopted, pursuant to the PPACA, in other states, the insights from this study might prove useful beyond Massachusetts as well.

About the presenters:

April Jakubec, MSc, is a human rights coordinator for a large urban human service agency and a PhD student writing her dissertation on the human right to [mental] health in the U.S., focusing on adults vulnerable to health care reforms due to their high health care needs.

Mariah McGill, JD, is a senior fellow at the Program on Human Rights and the Global Economy at Northeastern University School of Law. She is a human rights lawyer who explores human rights-based approaches to health care reform in the United States. Her recent research has been published in the *Southern California Journal of Interdisciplinary Law*, *Health and Human Rights Journal*, and the *Northeastern Law Journal*.

Gillian MacNaughton, JD, MPA, DPhil, is an assistant professor in the School for Global Inclusion and Social Development and a senior fellow with the Center for Peace, Democracy and Development at the University of Massachusetts Boston. She is an international human rights lawyer who works on economic and social rights and human rights-based approaches to social justice. Her recent research is published in the *Health and Human Rights Journal*, the *Journal of Human Rights*, and the *Georgetown Journal of International Law*. MacNaughton has previously taught human rights at the University of Oxford, the University of Sarajevo, and Brandeis University and has consulted on projects for WHO, UNDP, UNICEF and the UN Special Rapporteur on the right to health. She received her doctorate in law from the University of Oxford.