

The Alexander-Collins-Walden-Costello Bill Doesn't Protect People with Pre-Existing Conditions, Hands the Trump Administration a Blank Check to Play Politics and Attacks Women's Health

After Republicans failed to jam Trumpcare through Congress, Democrats came to the table to work on a bipartisan market stabilization bill. Rather than agreeing to a bipartisan compromise, Republicans:

- *walked away from the table in September for a failed last ditch effort to repeal the Affordable Care Act;*
- *walked away from the table in December to pass the tax scam bill, which will raise premiums by 10 percent and kick 13 million people off their coverage; and*
- *again sabotaged any effort at bipartisanship by adding a "poison pill" to the discussions -- draconian abortion restrictions that would prevent women from buying plans that cover abortion services even with their own money.*

It is no surprise that Republicans have once again turned partisan after Rep. Tom Cole [told](#) the press that not enough House Republicans support market stabilization, and conservative members Cruz, Lee, Meadows, and Jordan wrote an [op-ed](#) showing conservatives won't vote for policies that lower premiums in the individual market.

Inadequate Protections for People with Pre-existing Conditions

- Re-opens the door to high-risk pools that discriminate against people with pre-existing conditions. Senator Collins' original reinsurance proposal required that reinsurance programs and invisible high-risk pools all remain part of a single-risk pool. The Republican proposal removes this requirement.
- Codifies the Trump Administration's "Junk Plans" Rule. The Republican draft codifies the Trump Administration's proposal to expand the sale of junk, "short-term" plans that deny coverage to people with pre-existing conditions, charge sick enrollees higher premiums, and deny critical benefits like maternity care, substance use disorder treatment and mental health care. These [plans](#) will raise premiums and undermine market stability. Over 20 patient groups sent a [letter](#) to Congress last week asking Congress to prohibit sale of these plans, not rubber stamp them.
- Increases Premiums for Low Income Consumers. After the Trump Administration abruptly stopped reimbursing insurers for out-of-pocket cost reductions (also known as CSRs), state regulators responded to protect their constituents from premium increases. By refunding those out-of-pocket cost reductions with no additional changes to individual market subsidies, many consumers who switched to cheap gold and free bronze plans will see substantial premium increases. That's why some [insurers](#) and [consumer](#) groups oppose re-funding the out-of-pocket cost reductions without further changes.

Gives the Trump Administration a Blank Check to Play Politics

- Gives Secretary Azar total control over which states get reinsurance funding. The Republican proposal gives Secretary Azar unlimited ability to decide how to allocate reinsurance funds. The

Secretary could direct billions of dollars towards red states away from blue states in all three years of the reinsurance proposal. In 2019, the bill provides for a federal fallback but gives Secretary Azar total authority on how to establish the program.

- Locks some states out of access to reinsurance. Republicans' own talking points acknowledge that, in 2020 and 2021, millions of Americans will live in states that don't benefit from reinsurance funding.

Continues an Unprecedented Attack on Women's Health

- Allows the Trump Administration to prohibit the sale of individual market insurance that covers abortions. Current law already prohibits the use of federal dollars to pay for certain abortion services. The Republican proposal gives the Trump Administration broad authority to prohibit the sale of private individual market plans that cover abortion care, by prohibiting insurance issuers from accepting reinsurance or CSR payments for such plans. One [study](#) found that, in states that only allow for the sale of separate riders for abortion coverage, no plans actually sell the riders.
- Expands Hyde requirements by making the funding prohibition permanent. Under appropriations bills, Hyde restrictions only apply to the year in which funding is appropriated. The Republican proposal places permanent restrictions on the use of this funding.
- Expands restrictions on newly-defined health benefits coverage. The proposal applies Hyde-like restrictions to newly-defined 'health benefits coverage' that is funded or even 'supported' by the federal government. As a result, this language allows the Administration to say insurance plans, including those off of the exchange, that receive any federal funding such as reinsurance cannot provide abortion coverage at all.

Codifies Sabotage Instead of Ending It

- After the Trump Administration ended out-of-pocket cost reductions, numerous insurers [sued](#) the administration for breach of contract. The Republican proposal would prohibit these plans from suing for the funding the federal government promised it would pay to make coverage more affordable for low-income enrollees.

Instead of jamming partisan proposals through Congress, Republicans should work with Democrats to pass legislation that:

- Protects people with pre-existing conditions by prohibiting the sale of junk plans;
- Protects low-income enrollees from premium increases by expanding financial help for those who will be hurt by re-funding out-of-pocket cost reductions;
- Ensures that reinsurance funding will be available in all states;
- Reverses Trump Administration sabotage of the insurance markets.