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Republicans Say They Want To Protect Americans With Pre-Existing Conditions. Their Proposals Would Gut Them.

In the courts and in Congress, Republicans have repeatedly tried to take away protections for the millions of Americans with pre-existing conditions under current law. In an effort to hide this deeply unpopular position, Republicans have repeatedly proposed policies that they say would maintain those protections should the ACA be repealed or struck down in court. However, in every instance Republicans' policy proposals don't actually protect people with pre-existing conditions.

April 2019: Protect Act. Republicans introduced the "Protect Act," a bill that they claimed would protect people with pre-existing conditions should the ACA be struck down. HELP Committee Chairman Lamar Alexander (R-TN) said, "It will make sure that regardless of what happens to Obamacare, protections for Americans with pre-existing health conditions will not change." Experts found:

Larry Levitt, Kaiser Family Foundation: "Unlike the ACA, the new Republican pre-existing condition bill would not disallow lifetime or annual limits, cap patient out-of-pocket costs, require coverage of essential benefits, prohibit gender rating, or provide subsidies to make premiums more affordable."

Edward Grossman, Former Lawyer in the House Office of the Legislative Counsel: The bill "could be read as undermining those protections against discriminatory premiums."

LA Times Editorial Board: "The bill pretends to be about safeguarding Americans with preexisting health conditions. But it's really about protecting Senate Republicans from the stink caused by the Trump administration's efforts to repeal the Affordable Care Act, also known as Obamacare... In other words, it would allow insurers to go back to the bad old days of segmenting low-risk and high-risk customers, then designing their policies to attract the youngest, healthiest consumers."

Center on Budget and Policy Priorities: “If the Texas plaintiffs ultimately succeed, however, **the Senate bill would do little to protect people with pre-existing conditions.**”

August 2018: Ensuring Coverage for Patients with Pre-Existing Conditions Act. Republicans introduced the Ensuring Coverage for Patients with Pre-Existing Conditions Act, a bill that they claimed “guarantees the availability of coverage in the individual or group market, for all Americans, including those with pre-existing conditions, regardless of the outcome in Texas v. United States.” However, numerous experts and patient groups found that under the bill, people with pre-existing conditions would not be protected:

33 Patient Groups, Including The American Heart Association, The American Cancer Society And The American Diabetes Association: “The safeguards presented in this legislation fall far short of the patient protections encompassed in existing law...Should the ACA be struck down and this legislation implemented as a replacement, consumers with pre-existing conditions would face significant financial and coverage barriers. In short, for people with pre-existing conditions, the bill would provide access to coverage in name only...[the bill] falls far short of providing coverage and security to your constituents, including those who are or will face significant health care needs.”

Larry Leavitt, Kaiser Family Foundation: “So-called ‘pre-existing condition exclusions’ were common in individual market insurance policies before the ACA, and are also typical in current short-term policies. The new Republican bill would allow them, making guaranteed access to insurance something of a mirage.”

Joel Ario, Manatt Health: “The Senate bill falls short in not protecting those with preexisting conditions against the rate increases necessary to make up for the loss of a balanced risk pool.”

2017: Graham-Cassidy. Republicans introduced the so-called Graham-Cassidy bill to repeal and replace the Affordable Care Act. Sen. Cassidy (R-LA) claimed, “We protect those with preexisting conditions. ... The protection is absolutely the same.” Experts and patient groups disagreed.

Washington Post Fact Check: “The Cassidy-Graham plan offers a route that would all but ensure that premiums are much higher for people with preexisting conditions, if they can receive coverage for their condition in the first place.”

AARP: We have serious concerns that Graham/Cassidy/Heller/Johnson would allow states to once again permit insurance companies to charge people with pre-existing conditions more just because they have cancer, asthma or diabetes. This could be devastating to the 25 million Americans age 50-64 with a pre-existing condition.”

American Medical Association: "...allowing states to get waivers to vary premiums based on health status would allow insurers to charge unaffordable premiums based on those pre-existing conditions."

Cori Uccello, American Academy of Actuaries: "The bottom line is these protections are much more at risk under this bill than they are now."

2017: BCRA. Senate Republicans introduced their first attempt to repeal the Affordable Care Act under President Trump, the so-called Better Care Reconciliation Act. Sen. Ron Johnson (R-WI) claimed the bill "leaves in place the pre-existing-condition rules." Experts and advocates said:

Congressional Budget Office: "Over time, it would become more difficult for less healthy people (including people with preexisting medical conditions) in those states to purchase insurance because their premiums would continue to increase rapidly."

10 Patient Advocacy Groups, including American Cancer Society, American Heart Association, and March of Dimes: "Under the amendment, insurance companies would be allowed to charge higher premiums to people based on their health status—in addition to opting out of other patient protections in current law, such as the guarantee of essential health benefits and the prohibition on annual and lifetime coverage caps... Millions of people who battle chronic diseases or disabilities, like heart disease, lung disease, or diabetes, would be negatively impacted by this legislation."

Mom's Rising: "Insurers would be able to jack up premiums on the more comprehensive plans, undermining coverage for people with pre-existing conditions and leaving millions of Americans who need coverage for things like mental health care, preventative care, birth control, and prescription drugs without an affordable option."