

Health Care in Motion

Timely, Substantive Updates on Policy Shifts · Actionable Advocacy to Protect Health Care

September 29, 2017 5:00PM EST

So Long, Farewell?

Thanks to advocates and consumers who made their voices heard this past week, the Senate did not hold a vote on the [Graham-Cassidy Plan](#). That proposal would have fundamentally changed the structure of the Medicaid program, drastically dismantled the Affordable Care Act's (ACA) Medicaid expansion, and given states the authority to waive key consumer protection like the ban on pre-existing condition exclusions and lifetime caps on coverage.¹ Despite showing [early momentum](#), the Graham-Cassidy Plan ultimately failed to garner enough support to give it a path forward. Senators [John McCain \(R-AZ\)](#), [Rand Paul \(R-KY\)](#), and [Susan Collins \(R-ME\)](#) each publicly opposed the Graham-Cassidy Plan ensuring that Senate Republicans would not have the 51 votes needed to pass the bill. Given the lagging support, Majority Leader [Senator Mitch McConnell \(R-KY\) conceded](#) that the Senate would not vote on the bill by the September 30th deadline. Instead, the Senate will shift their focus to tax reform legislation instead, leaving repeal-and-replace efforts for another day.²

Possibility of Bipartisan Talks

With Graham-Cassidy behind us and Congress focused on tax reform, Senators [Lamar Alexander \(R-TN\)](#) and [Patty Murray \(D-WA\)](#) are resuming bi-partisan talks to stabilize the health insurance market and lower premiums. Discussions for this short-term legislation were underway until the Graham-Cassidy Plan was released and senators returned to party lines. Senators Alexander and Murray, leading the [Senate Committee on Health, Education, Labor, and Pensions](#), had been holding hearings with state insurance commissioners, governors, and other health care stakeholders regarding challenges in the current marketplace. Senator Alexander appears confident that [a bill will be produced](#) in the next few weeks that would provide interim support for insurers and consumers.

We remain on alert in case the bill includes “flexibility” provisions that would undermine protective measures from the ACA. Senator Alexander has [previously stated](#) that any short-term legislation would need to include provisions that allow states greater flexibility when approving insurance plans. This type of flexibility could result in the approval of plans that do not provide robust coverage or quality care, so advocates should remain vigilant.

¹ For more on the Graham-Cassidy proposal, please see our prior Health Care in Motion piece [here](#).

² Senators Graham and Cassidy [intend to hold hearings](#) about their plan in the upcoming months.

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So What is Next for the ACA?

Regardless of pending agreements and potential legislation, consumers in the United States face a continuous uphill battle to protect and increase access to affordable coverage. As noted in a previous [Health Care in Motion](#), federal funding for the Children's Health Insurance Program (CHIP) is set to expire today, and has not been reauthorized by Congress. This program provides states with matching funds to [insure over 8.9 million children](#) across the country. Without reauthorization, states are on the hook for funding the coverage of children enrolled in the program. This uncertainty in funding may cause states to cut program services and enrollment very soon.

Also around the corner is the start of open enrollment in the ACA Marketplace. On November 1st, consumers will be able to enroll into plans for the 2018 plan year. This year, consumers will not only have a shorter open enrollment period (ending on December 15th), but they will experience regular, untimely outages of the enrollment website. Officials from the Department of Health and Human Services reported to community groups that, [due to maintenance](#), healthcare.gov would be closed overnight the first day of open enrollment, and from midnight to noon nearly each Sunday of the open enrollment period. This complicates an already difficult year as the Trump Administration [announced severe cuts to the funding of Navigators](#) who help people enroll into health care plans on the Marketplace.

For further perspective on what lies ahead for the Affordable Care Act and the future of health care in America, join the Center for Health Law and Policy Innovation on **Tuesday, October 3rd at 12 pm Eastern** as we welcome [Larry Levitt](#) to Harvard Law School. Larry Levitt is the Senior Vice President for Special Initiatives at the Kaiser Family Foundation and Special Advisor to the President of the Foundation. Prior to joining the Foundation, he served as Senior Health Policy Advisor to the White House and Department of Health and Human Services. Advocates are welcome to attend the event at Harvard Law School, Wasserstein Hall 1010 (158 Massachusetts Ave., Cambridge, MA 02138) or watch the livestream online [here](#).

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