

Implementing the Affordable Care Act: A Status Update

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Overview

- ACA Zeitgeist 101
- Where are we? The big picture
- Who is enrolling in the Marketplace?
- What to do about the “nullification” states and the big challenges in the “all in” states
- Then there are the courts
- And finally, there is Congress

ACA Zeitgeist 101

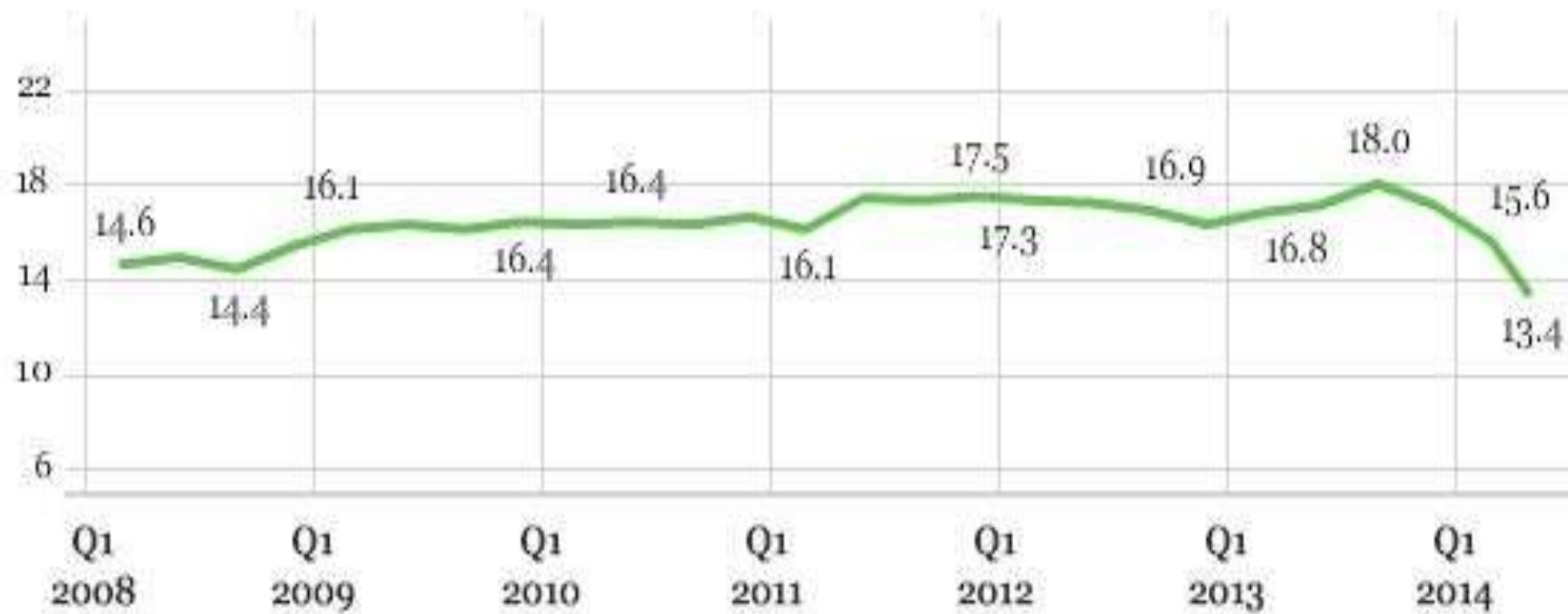
- FOUR YEARS AFTER PASSAGE 8+ million enrolled through marketplace
 - 6 + million additional Medicaid beneficiaries
 - 2+ million children covered through parents' plans
 - No one can be turned away from insurance
 - Affordability assistance
- Yet latest Pew poll shows that 55% of Americans disapprove of the law
- What has fed this?
 - A state-based national health reform model, coinciding with and feeding enormous rightward shift in state politics. The horror of implementation post the Medicaid decision in *NFIB v Sebelius*, compounded by website drama
- And oh, by the way, 50 repeal votes in Congress and an all-out attack on subsidies for residents of states that have chosen to use the federal marketplace.

Percentage Uninsured in the U.S., by Quarter

Do you have health insurance coverage?

Among adults aged 18 and older

■ % Uninsured



Quarter 1 2008-April 30, 2014

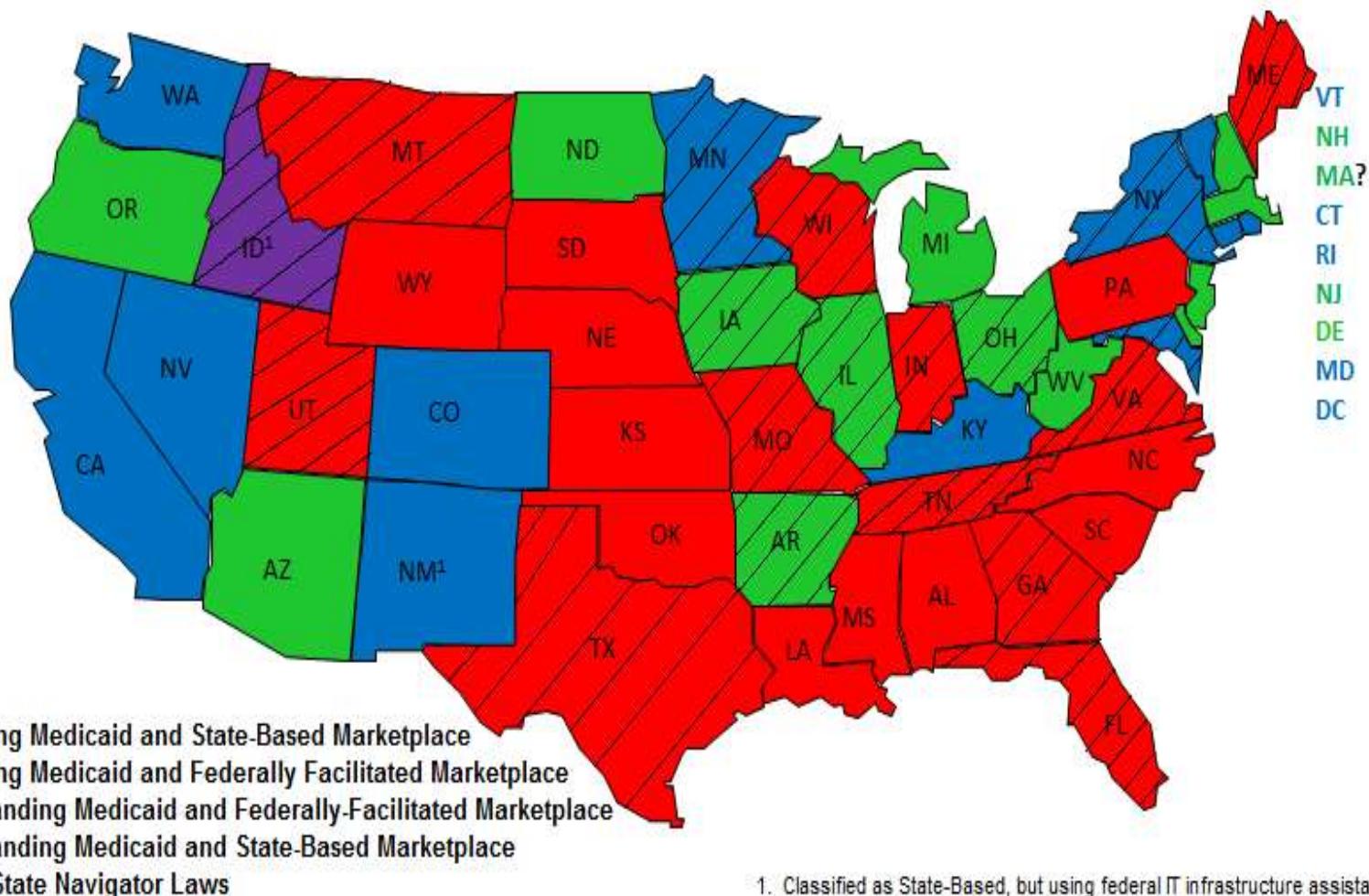
Gallup-Healthways Well-Being Index

Who's Enrolling in the Marketplace?: The Latest HHS Numbers

- Skews older (66% are 35+)
- Skews poorer (85% select Marketplace plans with financial assistance)
- Skews female (54%)
- Skews toward cost sharing assistance but maybe not enough:
 - 85% of all enrollees received financial assistance BUT
 - only 65% of total enrollees selected a silver plan providing cost sharing reduction assistance. Of those receiving financial assistance, only 76% selected plans with cost sharing reduction assistance
- Looming issue: under-insured older, poorer people (Unless all persons selecting Bronze -- presumably the alternative to silver for low income people -- are young immortals who never use coverage. THIS IS DOUBTFUL



State Medicaid Expansion and Marketplace Status as of May 5, 2014



“Nullification” States and “All In” States

- Getting nullification states to “yes”
 - Let’s Make a Deal: eligibility, enrollment, benefits, cost sharing, premium assistance, provider payment rules
- Meeting the “all in” challenges
 - Making the marketplace work
 - Aligning Medicaid and marketplaces
 - Getting information to health plans (enrollment, payment)
 - Getting the health plans functional for their networks

Then There Are the Courts

- The *Halbig* cases: are premium subsidies available to residents in states that rely on the federal marketplace?
- The contraception cases:
 - Must secular companies comply?
 - Is the accommodation for religiously-affiliated companies sufficient to require them to comply?
 - Can corporations have religious beliefs?

Finally, There is Congress

- Dozens of nullification votes
- Personal responsibility requirement
 - Leave as tax penalty or create some other incentive?
- Employer shared responsibility requirement
 - Where to set the threshold?
- Any prayer of an affordability discussion?
 - Basic affordability problem
 - Family glitch
- Create alternatives to the Medicaid expansion?
 - Premium assistance for marketplace coverage, a la Arkansas

What To Do

- Keep moving forward
- Think about compromises that also give states more flexibility on Medicaid alternatives to stop the run on 1115 demonstrations and make coverage more affordable for low income people