POST-ELECTION 2016:
POTENTIAL IMPACTS TO CONNECT FOR HEALTH COLORADO

Board Advisory Group

November 30, 2016

Election Results: Federal and State

- Federal: Republicans control White House, Senate, House

- State: No change in control
  - House Democrats gained 3 seats: 37 to 28

  - Senate Republicans kept a 1-seat margin: 18 to 17

  - Amendment 69 failed

Potential Impacts of Federal Changes

- President-Elect Trump has promised to repeal and replace the Affordable Care Act (ACA) as quickly as possible.

- Varying timelines for federal changes to the law have been proposed. Right now, it is unclear when current ACA regulations may change.

- Plans sold for 2017 will not be canceled mid-year, so long as enrollees pay their monthly premiums on time.

Federal Considerations

- Congress may repeal aspects of the ACA, however:

  - Generally, Senate bills need a 60-vote supermajority in order to overcome a filibuster by the minority

  - Budget reconciliation may be used, which could affect funding for ACA provisions

- Previously, Congress passed (and President Obama vetoed) [HR 3762](), which would end (after a 2-year transition during which some provisions would be replaced), ACA regulations such as:

  - Premium tax credits, cost-sharing reductions, small business tax credit

  - Employer and Individual mandate

  - Medicaid Expansion and CHIP funding

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Federal Considerations

- Certain provisions of the law are highly popular and have bipartisan support, such as:

  - Ban on excluding individuals from coverage based on pre-existing conditions

  - Allowing young adults to remain on their parents' plans until age 26

- Budget reconciliation probably could *not* be used to repeal many of the insurance reform provisions of the ACA, such as:

  - Ban on pre-existing conditions

  - Caps on annual and lifetime dollar limits

  - Any provisions unrelated to spending

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Federal Considerations: Supreme Court

- A Trump Administration will impact the composition of the Supreme Court in a way that could affect the outcome of at least one case directly related to the ACA.

    - House Republicans recently requested a delay on the House v. Burwell case that may affect the future of CSR payments to issuers

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Federal Considerations: Possible Scenarios

- Republicans have offered various proposals for health reform:
  - President-Elect Trump's healthcare platform
  - Paul Ryan's A Better Way healthcare reform plan
  - H.R. 3762 (budget reconciliation bill)

- Overlapping themes in the proposals:
  - Portable and non-advanced tax credits to help purchase health insurance
  - Expansion of HSA/HRAs and reinstatement of high-risk pools
  - Ability to sell health insurance across state lines
  - Retaining ban on pre-existing conditions limitations

State Impacts: Things to Consider

- Connect for Health Colorado was enacted through SB 11-200, which had bipartisan support

- Our mission of increasing affordability, access, and choice for Coloradans remains the same

  o Any concrete proposals for changes to the ACA will be analyzed through the lens of our mission statement

- Connect for Health Colorado has successfully worked within rapidly changing state and federal regulations in the past and will continue to work with partners, stakeholders, and legislators as any changes to the ACA are proposed or implemented

State Impacts: Potential Next Steps

- Multi-agency coordination to prepare responses and contingency plans for federal changes to the ACA

- Collaboration and information-sharing with other state-based marketplaces

- Clear communication from Connect for Health Colorado to internal staff, our Board of Directors, Advisory Groups, Legislative Oversight Committee, external stakeholders, and our customers

- Communicate potential value of high number non-financial enrollments

- Raise awareness of decision support tools to help customers fully understand their options

- Continue to explore additional opportunities through the Public Benefits Corporation and Ancillary Products

QUESTIONS?