The ACA: Going, Going, Gone?
Or Maybe Not!

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TIMELINE
March 23, 2010
THE PATIENT PROTECTION AND AFFORDABLE CARE ACT
November 8, 2016

'On day one of the Trump Administration, we will ask Congress to immediately deliver a full repeal of Obamacare.'

– Healthcare Reform page, donaldj trump.com
Executive Order 13765 of January 20, 2017

Minimizing the Economic Burden of the Patient Protection and Affordable Care Act Pending Repeal

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. It is the policy of my Administration to seek the prompt repeal of the Patient Protection and Affordable Care Act (Public Law 111–148), as amended (the "Act"). In the meantime, pending such repeal, it is imperative for the executive branch to ensure that the law is being efficiently implemented, take all actions consistent with law to minimize the unwarrented economic and regulatory burdens of the Act, and prepare to afford the states more flexibility and control to create a more free and open healthcare market.

Sec. 2. To the maximum extent permitted by law, the Secretary of Health and Human Services (Secretary) and the heads of all other executive departments and agencies with authorities and responsibilities under the Act shall exercise all authority and discretion available to them to waive, defer, grant exemptions from, or delay the implementation of any provision or requirement of the Act that would impose a fiscal burden on any state or a cost, fee, tax, penalty, or regulatory burden on individuals, families, healthcare providers, health insurers, patients, recipients of healthcare services, purchasers of health insurance, or makers of medical devices, products, or medications.

Sec. 3. To the maximum extent permitted by law, the Secretary and the heads of all other executive departments and agencies with authorities and responsibilities under the Act, shall exercise all authority and discretion available to them to provide greater flexibility to States and cooperate with them in implementing healthcare programs.

Sec. 4. To the maximum extent permitted by law, the head of each department or agency with responsibilities relating to healthcare or health insurance shall encourage the development of a free and open market in interstate commerce for the offering of healthcare services and health insurance, with the goal of achieving and preserving maximum options for patients and consumers.

Sec. 5. To the extent that carrying out the directives in this order would require revision of regulations issued through notice-and-comment rulemaking, the heads of agencies shall comply with the Administrative Procedure Act and other applicable statutes in considering or promulgating such regulatory revisions.

Sec. 6. (a) Nothing in this order shall be construed to impair or otherwise affect:
(i) the authority granted by law to an executive department or agency, or the head thereof; or
(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.
(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.
“Now, I have to tell you, it’s an unbelievably complex subject. Nobody knew health care could be so complicated.”

Donald J. Trump
The White House
Feb. 27, 2017
March 2017

AMERICAN HEALTH CARE ACT
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WHAT HAPPENS NEXT?

House re-drafts

Senate takes lead

New Democrats & “Tuesday Group” coalition
WHAT HAPPENS NEXT?

If you can’t legislate, then regulate

DO NOTHING

White House engages w/Freedom Caucus & Dems
New deal terms?

• Keep premium subsidies but offer less
• Keep ACA taxes, but delay some
• Find modest ways to reduce premiums
• Other?
Impact on Stakeholders

- Hospitals & providers
- States
- Insurers

Individuals & families