

Trump Administration Would Allow Insurers to Discriminate Against Americans with Pre-Existing Conditions

After Republicans were unable to repeal the Affordable Care Act, President Trump promised to dismantle the law and has taken unprecedented steps to sabotage it. Already, Americans are experiencing the impact of these efforts, with higher costs, lower quality, and more uninsured Americans. Last Thursday, the Trump Administration took the most drastic step yet to undermine the law when the Department of Justice refused to defend the Affordable Care Act and its consumer protections in court. In effect, their actions are gutting the ACA and putting coverage at risk for millions of Americans.

A look at the headlines shows that the Trump Administration's unprecedented move will turn back the clock and allow insurers to once again discriminate against Americans with pre-existing conditions.

LA Times: [Got a preexisting condition? The Trump administration wants insurers to deny you coverage](#)

“In its latest effort to undermine the Affordable Care Act — and in the process, raise premiums for many Americans — the Trump administration is urging a federal judge in Texas to throw out the law’s protections for people with preexisting conditions... In other words, the administration wants insurers to be able to deny coverage to the people most in need of it, or to charge them considerably higher premiums than they’re allowed to charge today... This is jaw-dropping. Even Republicans who’ve complained about Obamacare have been loath to undo the protections for people with preexisting conditions who are not covered by large employers’ health plans. That’s because the public supports them, and unequivocally so.”

Vox: [The Trump administration believes Obamacare’s preexisting conditions protections are now unconstitutional](#)

“The Trump administration argued in a court brief filed on Thursday that Obamacare’s protections for preexisting conditions should be ruled unconstitutional, opening up another front in the White House’s crusade to roll back the law’s core insurance reforms.... If the Trump administration’s argument were to prevail, insurers could once again be able to flat-out deny Americans insurance based on their health status. No amount of federal subsidies would protect them. Medicaid expansion would remain, but the private insurance market would no longer guarantee coverage to every American.”

NPR: [Trump Administration Move Imperils Pre-Existing Condition Protections](#)

“If that argument prevails in the courts, it would render unconstitutional Obamacare provisions that ban insurance companies from denying coverage to people with pre-existing conditions — arguably the most popular component of the 2010 health care law. As many as 130 million adults under age 65 in the U.S. have pre-existing conditions that could result in their not being able to get insurance coverage in the private market, according to the Department of Health and Human Services. The Kaiser Family Foundation puts the number at about a quarter of the country's under-65 population. A Kaiser tracking poll in June 2017 showed 70 percent of adults want Congress to keep pre-existing condition protections.”

CNN Money: [Trump administration's latest attack on Obamacare would gut protections for the sick](#)

“The Trump administration, however, is seeking to gut two core provisions that guarantee that these folks can get health insurance and that they won't have to pay more for it... These consumer protections proved enormously popular with Americans and are among the reasons why efforts to repeal Obamacare

in Congress failed last year.... Insurers, meanwhile, warned that the administration's actions could rock the individual market and could lead to higher premiums, especially for those battling illnesses.”

Republicans spoke out against the Administration’s move that would kick millions of Americans with pre-existing conditions without coverage.

Senator Susan Collins (R-ME): “[The Trump Administration’s action] creates further uncertainty that could ultimately result in higher costs for millions of Americans and undermine essential protections for people with pre-existing conditions, such as asthma, cancer, heart disease, arthritis and diabetes.” [New York Times, [6/8/18](#)]

Rep. Phil Roe (R-TN): “I’m not going to have to defend anything I don’t agree with — regardless of who says it.” [Politico, [6/8/18](#)]

Rep. Tom MacArthur (R-NJ): “I experienced it again as a young father when my oldest daughter had over \$1 million in medical bills during her 11 years with us. Thankfully, my wife and I had insurance, but we faced the pressures of uncovered expenses...For these reasons, I don’t support the DOJ decision without an accompanying legislative fix from Congress and President Trump.” [New Jersey Globe, [6/10/18](#)]

Rep. Dave Trott (R-MI): “Don’t understand the reasoning [for the Trump Administration decision]...as one of the good changes with the Affordable Care Act, so I can’t imagine a majority of Congress ever supporting anything that would go in a different direction.” [WSJ, [6/8/18](#)]

Rep. Tom Reed (R-NY): “You’ve got very sympathetic populations that are affected by those conditions so to somehow adversely affect them is not a politically wise move ...” [Bloomberg, [6/8/18](#)]

Rep. Leonard Lance (R-NJ): “[Rep. Lance] said the Justice Department should back off its effort, and said that if courts did rule against preexisting protections then Congress should act.” [Bloomberg, [6/8/18](#)]

Health care advocates, patient and provider organizations, and insurance companies are speaking out against the Trump Administration’s efforts:

Larry Levitt, a senior vice president at the Kaiser Family Foundation: “It would be essentially a return to what the individual market looked like before the ACA, where insurers would require applicants to fill out long questionnaires about their medical histories, and make decisions based on people’s health and how much to charge...Now we’re in the situation where very sick people have gotten insurance, and so changing the rules means taking coverage away from people who genuinely need it.” [Washington Post, [6/9/18](#)]

American Cancer Society Cancer Action Network, American Diabetes Association, American Heart Association, American Lung Association, and National Multiple Sclerosis Society: “The decision by the Department of Justice to abandon critical patient protections is devastating for the millions of Americans who suffer from serious illnesses or have preexisting conditions and rely on those protections under current law to obtain life-saving health care... Should this case be successful, people with cancer, heart disease, diabetes, lung disease and any serious or chronic condition are likely to be denied coverage due to their pre-existing conditions or charged such high premiums because of their health status that they will be unable to afford any coverage that may be offered... Striking down these provisions would be catastrophic and have dire consequences for many patients with serious illnesses.” [Statement, [6/8/18](#)]

American Academy of Family Physicians, American Academy of Pediatrics, American College of Obstetricians and Gynecologists, American College of Physicians, American Osteopathic Association, and American Psychiatric Association: “The elimination of these protections could result in millions of people facing limited access to health care coverage and higher cost as a result of insurers being allowed to return to discriminatory coverage and pricing practices...As physicians who provide a majority of care to individuals for physical and mental conditions, we can speak clearly that these insurance reforms and protections are essential to ensuring that the more than 130 million Americans, especially the more than 31 million individuals between the ages of 55 and 64, who have at least one pre-existing condition are able to secure affordable health care coverage.” [Statement, [6/9/18](#)]

American Psychiatric Association: “This decision could lead to insurers denying coverage to the 130 million Americans with pre-existing conditions. This is harmful to the health of these Americans and is very short-sighted considering the nation is in the midst of an opioid epidemic and 30% rise in suicide rates.” [Statement, [6/8/18](#)]

The Arc: “The actions of the Department of Justice are another example of the Trump Administration’s intent to undermine access to health insurance for millions of people with disabilities by dismantling the Affordable Care Act. It exposes the Administration’s intent to eliminate critical protections for people with pre-existing conditions who benefit from provisions in the law that assure access to affordable health insurance. The ongoing attempts to dismantle this law highlight a disturbing disregard, by the Trump Administration, for the needs of people with disabilities who rely on the Affordable Care Act for their health and wellbeing.” [Statement, [6/8/18](#)]

Brain Injury Association of America: “The Justice Department's position threatens a core piece of the Patient Protection and Affordable Care Act...If the court agrees, people with pre-existing conditions - like brain injury - will likely be forced to pay higher premiums and ultimately lose access to essential treatment and rehabilitation.” [Statement, [6/8/18](#)]

Matt Eyles, President and CEO, America’s Health Insurance Plans: “Removing those provisions will result in renewed uncertainty in the individual market, create a patchwork of requirements in the states, cause rates to go even higher for older Americans and sicker patients, and make it challenging to introduce products and rates for 2019.” [New York Times, [6/8/18](#)]

Ceci Connolly, the chief executive of the Alliance of Community Health Plans: “At the very least it adds uncertainty at exactly the moment when plans are trying to set rates for next year...At the worst it could strip away guaranteed coverage for those with pre-existing conditions.” [New York Times, [6/8/18](#)]

While Congressional Republicans and the Trump Administration are giving Americans a raw deal on health care—putting Americans’ coverage at risk and raising health care costs—Democrats in Congress are offering a better deal to increase access to affordable, quality health care for all Americans.