

ABC for Health, Inc.: Lame duck legislature flies backward on preexisting conditions protections

Posted on Monday, Dec 3, 2018

>> **WisPolitics is now on the State Affairs network. Get custom keyword notifications, bill tracking and all WisPolitics content. [Get the app or access via desktop.](#)**

Contact: Bobby Peterson, (608)261-6939 ext. 201 or
Bryne McBride (608)261-6939 ext. 210

Madison, WI - This week, the Wisconsin Legislature intends to pass what it calls “preexisting condition protections” in a lame duck legislative session. If it’s anything like the previous bill that failed to make it out of the Wisconsin Senate, “it’s a rotten egg,” says Bobby Peterson, Public Interest Attorney at ABC for Health. “Walker’s language will dilute and disconnect preexisting condition protections from the ACA,” continues Peterson, “The very protections that Walker directed the state to sue to eliminate.”

Peterson says, “The ACA included more comprehensive protections, with explicit requirements that plans must issue policies to all applicants, regardless of health status.” To contain costs, the ACA included market stabilization features like risk corridors and risk adjustment, and consumer cost savings through premium assistance and cost sharing reductions. Peterson continues, “Yet we’ve seen dramatic attempts by the Walker and Trump Administrations to sabotage the ACA in recent years, chipping away at those protections and market stabilization measures and joining lawsuits to strip consumers of ACA pre-existing condition protections.”

Governor Walker and his allies in the Assembly and Senate tout the language of AB365, as bill to “protect consumers.” Of course, that is not true. The newly proposed legislation prohibits a health insurance policy from considering a preexisting condition for the purpose of setting premiums or cost-sharing, **but**, a person must have continuous coverage for 12 months before the date of policy

enrollment. This means there can be no breaks in coverage lasting longer than 63 days, otherwise the preexisting condition protections disappear. “Some protection,” scoffed Peterson. The bill authorizes the Wisconsin Insurance Commissioner to propose a plan to assist people with preexisting conditions and breaks in coverage. “This sounds like the bad old days of HIRSP and health care segregation for sick people,” says Peterson.

“Even if this phony legislation passes, it still ignores important consumer protections like a prohibition against annual/lifetime caps; no mandate to provide major medical; no tax subsidies; no essential health benefits; and of course, since it would be a state law, it would have no bearing on federally regulated plans,” says Peterson. “This is no substitute for the consumer protection language in the ACA,” insists Peterson. “If anything, it’s a reminder of the failed policy decisions of the Walker Administration that increased the number of uninsured patients, and increased and socialized medical debt and uncompensated care to the tune of over \$1 billion, which is passed on to all of us.”

Peterson concludes, “Wisconsin will take a step backward with this legislation. The end of session chicanery and duplicity is insulting. As Walker and the legislature backslide to the bad ole days of insurance, we can only hope that new leadership in the state in 2019 moves us forward by bolstering the protections already in federal law, creates programs and policies that promote seamless comprehensive care and coverage for patients, and includes much stronger local consumer assistance and protection—something the current system desperately needs.”