

WisDems: Axios reports ACA lawsuit also threatens protections in employer coverage

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Walker Still Suing to Undermine Protections for People with Pre-existing Conditions

This morning Axios published a new article detailing how Scott Walker's lawsuit against the Affordable Care Act threatens protections for people with pre-existing conditions covered under an employer plan. If the lawsuit is successful, it would allow insurance companies to once again charge higher premiums based on health status or gender and impose lifetime limits. It's the latest reminder that Walker's lawsuit would gut protections for the 2.4 million Wisconsinites with a pre-existing condition.

Read the story below:

[Axios: ACA Lawsuit Also Threatens Protections in Employer Coverage](#)

Texas' lawsuit over the Affordable Care Act could roll back protections for pre-existing conditions even among people who don't get their coverage through the Affordable Care Act.

Why it matters: These protections are the most popular part of the ACA, and have led to a lot of sick people getting coverage. Millions of people could lose all or part of that security if this lawsuit succeeds.

How it works: Before the ACA, the federal privacy law known as HIPAA prevented employer-based insurance plans from denying employees coverage because of a

pre-existing condition or charging those employee a higher premium. The ACA extended similar protections to people who buy insurance on their own.

Yes, but: There's a chance some of the HIPAA protections could go away if Texas' lawsuit succeeds, because of the way the ACA incorporated them, [Kaiser Health News reported](#).

- *"The ACA certainly changed up the HIPAA provisions and it is not clear they would just reemerge," said Gary Claxton of the Kaiser Family Foundation.*
- *Even if the HIPAA protections remain in place, people enrolling in employer coverage could face waiting periods for coverage of their pre-existing conditions if the ACA's protections are struck down.*
- *HIPAA allowed employer plans to wait up to 12 months to cover pre-existing conditions if a new enrollee hadn't been continuously covered for at least 12 months prior.*

Republican attorneys general want the courts to strike down the entire ACA, while the Trump administration says only its protections for pre-existing conditions should fall.

- *If the red states' argument prevails in court, it would eliminate the ACA's cap on how much enrollees pay out-of-pocket and its ban on annual and lifetime limits.*
- *For small businesses, the lawsuit would knock down the ACA's ban on charging higher premiums based on health status or gender, and its limits on age variation.*