

U.S. Sen. Baldwin: Democrats to Azar, Trump administration's health care sabotage undermines Coronavirus response

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WASHINGTON, D.C. - Today, U.S. Senator Tammy Baldwin, a member of the Senate Committee on Health, Education, Labor and Pensions (HELP), joined her Senate colleagues, led by Senators Patty Murray (D-WA) and Ron Wyden (D-OR), in [demanding](#) that Secretary of Health and Human Services (HHS) Alex Azar take immediate action to address the many ways the Trump administration's health care sabotage has undermined our preparedness for and ability to respond to the novel coronavirus outbreak.

Specifically, the Senators asked Secretary Azar to commit to making any potential coronavirus vaccine affordable to all, stop promoting junk plans that don't cover the care necessary to prevent the spread of the virus and stop promoting efforts to undermine Medicaid that jeopardize people's health care.

No patient should be discouraged from accessing necessary medical care because of the risk of large bills or a lack of health coverage—especially in the midst of a public health threat. But, as the Democratic Senators outlined in their [letter](#) to Azar, the Trump administration has advanced a laundry list of policies that have made it harder for patients to get care, and thus weakened our ability to respond effectively to the coronavirus outbreak.

*“When a patient who has potentially been exposed to the virus develops symptoms consistent with COVID-19, they should be able to seek appropriate medical care without being deterred by the risk of large bills. Patients often forego recommended tests and treatments because of cost,” **wrote the Senators.** “For this reason, we are deeply concerned both by your refusal to commit that a potential vaccine for coronavirus will be affordable to anyone who needs it, and this Administration’ numerous policies that make it harder for patients to get care during an outbreak.”*

The Senators urged HHS to prioritize our nation’s public health and:

- **—Commit to ensuring any future coronavirus vaccine is affordable for all.** The Trump administration has thus far refused to put in place price guardrails that would ensure everyone could access a potentially critical vaccine.
- **Rescind the junk plan rule.** The Trump administration has expanded and promoted junk plans that discriminate against people with pre-existing conditions and don’t cover essential health benefits like hospital care, emergency care, laboratory services, or preventive services. These plans have already left a patient with an exorbitant bill for necessary care to help combat the spread of coronavirus. Junk plans could even stick patients with the bill for a potential coronavirus vaccine.
- **Withdraw the 1332 waiver guidance.** The administration released guidance encouraging states to apply for waivers that allow for the sale of coverage that doesn’t meet consumer protections for comprehensiveness and affordability. Reducing the comprehensiveness of coverage could leave patients paying bills for necessary care, like tests or vaccines.
- **Stop working to undermine Medicaid by promoting barriers like work requirements.** Medicaid is crucial to our ability to respond to public health crises, but the Trump administration’s attacks—like promoting harmful work requirements—have already led to patients being kicked off the program and losing access to health care.



The Senators also urged the administration to stop undermining the Affordable Care Act (ACA) with a partisan lawsuit. If the lawsuit is successful, millions of families could lose access to health care or be covered only by a junk plan, and any patient who contracts the coronavirus could face future discrimination from insurers for having a pre-existing condition.

In addition to Senators Baldwin, Murray and Wyden, the letter was signed by Senators Sherrod Brown (D-OH), Ed Markey (D-MA), Chuck Schumer (D-NY), Richard Blumenthal (D-CT), Dick Durbin (D-IL), Chris Van Hollen (D-MD), Sheldon Whitehouse (D-RI), Chris Murphy (D-CT), Jack Reed (D-RI), Jeanne Shaheen (D-NH), Maggie Hassan (D-NH), Bob Menendez (D-NJ), Cory Booker (D-NJ), Patrick Leahy (D-VT), Ben Cardin (D-MD), Mark Warner (D-VA), Tina Smith (D-MN), Mazie Hirono (D-HI), Chris Coons (D-DE), Gary Peters (D-MI), Michael Bennet (D-CO), Maria Cantwell (D-WA), Bernie Sanders (I-VT), Jeff Merkley (D-OR), Kirsten Gillibrand (D-NY), Amy Klobuchar (D-MN), Tim Kaine (D-VA), Debbie Stabenow (D-MI), Catherine Cortez Masto (D-NV), Elizabeth Warren (D-MA), Kamala Harris (D-CA), Brian Schatz (D-HI), Martin Heinrich (D-NM), Jacky Rosen (D-NV), Bob Casey (D-PA), and Tom Carper (D-DE).

The full text of the letter is below and [here](#). An online version of this release is available [here](#).

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March 4, 2020

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The Honorable Alex Azar

Secretary

U.S. Department of Health and Human Services

200 Independence Avenue, SW

Washington, DC 20201

Dear Secretary Azar,

We write to express our serious concern that this Administration's health care sabotage and absence of a plan to lower drug prices undermine our ability to respond to the 2019 Novel Coronavirus (COVID-19) and future infectious disease outbreaks within the United States. In a February 25th briefing, the Centers for Disease Control and Prevention (CDC) indicated that a domestic COVID-19 outbreak is inevitable, warning "it's not a question of if, but rather a question of when and how many people in this country will have severe illness." It is clear that all available measures should be employed to address this urgent public health threat.

When a patient who has potentially been exposed to the virus develops symptoms consistent with COVID-19, they should be able to seek appropriate medical care without being worried they cannot afford it. Patients often forego recommended tests and treatments because of cost. For this reason, we are deeply concerned both by your refusal to commit that a potential vaccine for coronavirus will be affordable to anyone who needs it, and by this Administration' numerous policies that make it harder for patients to get care during an outbreak.

In testimony before the House Energy and Commerce Committee this week, when asked whether your Department would ensure that a vaccine will be affordable for anyone who needs it, you replied that you would "work to make it affordable," but stopped short of committing that patients and families would be able to afford a vaccine. One consumer advocacy group estimates that the National Institutes of Health (NIH) have already invested \$700 million in coronavirus research, while this Administration is refusing to place guardrails around the cost of a potentially critical vaccine in the middle of a global outbreak. We call on you to commit — as Administration policy — that anyone who needs it will be able to afford a vaccine for coronavirus.

This Administration's health care sabotage also undermines readiness for a COVID-19 outbreak in the United States by endangering patient access to care. The Administration has promoted junk insurance plans that can discriminate against people with pre-existing conditions and that do not comply with consumer protections like the essential health benefits and out-of-pocket limitations, distorted 1332 waivers to permit states to undermine the market for comprehensive coverage, and proposed damaging changes to Medicaid - which is critical to helping states react to public health emergencies - like block grants and work requirements.

Just this week, a patient in Miami, Florida presented at a hospital with flu-like symptoms after returning from a work trip to China. He realized his symptoms might not be a simple common cold and felt compelled to get tested for coronavirus. Fortunately, tests confirmed he had seasonal influenza and not COVID-19. Unfortunately, two weeks later, he received a bill with charges totaling \$3,270 and a note that his short-term limited duration insurance (STLDI) or "junk" plan would not pay the costs without further documentation. More bills may follow, and the insurer that sold his "junk" plan is requiring the patient to provide three years of medical records to prove that his flu is not related to a pre-existing condition. Even if the insurance covers the encounter - which it's not clear they will - the patient would still be on the hook to pay \$1,400 out-of-pocket for the brief diagnostic encounter.

This patient's experience is a foreboding tale about the public health catastrophe that will ensue if patients avoid seeking a diagnosis because the Trump Administration is once again allowing insurers to stick patients with huge bills for necessary care. As the patient put it, "How can they expect normal citizens to contribute to eliminating the potential risk of person-to-person spread if hospitals are waiting to charge us \$3,270 for a simple blood test and a nasal swab?"

Insurers who sell junk plans are allowed to discriminate against people with pre-existing conditions by denying them coverage, excluding critical benefits and charging higher premiums. Additionally, the Trump Administration does not require junk plans to comply with consumer protections that limit out-of-pocket costs or require coverage of essential

health benefits, including those that are needed to pay for the diagnosis, treatment, and prevention of COVID-19 like hospital care, emergency care, laboratory services, or preventive services. Junk plans aren't even required to cover preventive services at no cost to patients, meaning they could stick patients with the bill for a potential coronavirus vaccine in the middle of an outbreak.

The Trump Administration's subsequent 1332 guidance creates additional risks for addressing outbreaks. In addition to expanding the sale of STLDI, this guidance proposes that states allow the sale of other kinds of plans that would not cover essential health benefits, including laboratory services, hospital services, emergency care, and preventive care. This guidance would even let states encourage residents to sign up for junk plans by using taxpayer dollars to subsidize them.

Additionally, instead of promoting policies to support one of our most effective public health tools, the Medicaid program, this Administration is doing everything in its power to undermine it. Medicaid plays a critical role in helping states respond to disasters and public health emergencies. For example, Medicaid was able to provide enhanced funding and coverage in response to public health crises such as the Zika virus outbreak in Puerto Rico, the water contamination in Flint, Michigan, and the national opioid epidemic.

Yet, this Administration continues to attack the Medicaid program at every turn. As part of its 2021 budget, this Administration proposes to slash Medicaid by \$920 billion. It has also proposed to gut Medicaid through block grants and caps that would restrict the ability of states to respond to public health emergencies like the coronavirus. It continues to support other harmful proposals, including policies included in the Medicaid fiscal accountability regulation that would slash funding to states, rescissions of access protections, the public charge rule and more that threaten access to essential care for those impacted by public health crises. It also has promoted harmful proposals like work requirements, which have led to patients being kicked off the program and losing access to affordable health care.

Finally, if successful, the Administration's ACA lawsuit would rip away health coverage from

millions of Americans benefiting from the Medicaid expansion and the exchanges who depend on these programs for access to essential care including preventive services such as vaccines and diagnostic tests. The Administration is trying to allow all insurers to once again be able to discriminate against people with pre-existing conditions. If the lawsuit is successful, a patient who comes down with COVID-19 could face future discrimination by their insurer, denying them crucial care.

To give patients and providers the tools to grapple with this developing public health crisis, we ask that you take immediate action to ensure the affordability of a potential coronavirus vaccine. We also ask that you rescind the Administration's "junk" plan rule, withdraw the 2018 guidance that undermines implementation of the 1332 waiver guardrails as Congress intended, and stop the ongoing attacks on the Medicaid program, including the recently proposed block grant policy and other policies that would undermine this critical public health tool. Now more than ever, it is essential to protect patients and families and to encourage them to seek appropriate care when they become ill. We look forward to your response.

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