

Protect Our Care: Republicans push more legislation to weaken protections for millions of people with pre-existing conditions

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Washington, DC — Today, Republicans on the House Committee on Education & the Workforce will mark up legislation that would promote junk plans that lack patient protections under the Affordable Care Act (ACA). Republicans have a long history of promoting junk plans, which can discriminate against people with pre-existing conditions and fail to cover essential services like hospital visits and prescription drugs in order to undermine the Affordable Care Act (ACA). These proposals are particularly harmful for communities of color and other marginalized groups who are more likely to have poorer health and to be living in poverty.

In response, Protect Our Care Executive Director Brad Woodhouse issued the following statement:

“This is the Republican war on health care at work. After Republicans failed to throw 21 million Americans off of their Medicaid in their debt default negotiations, they have returned to their same old ploy to undermine the ACA and promote junk plans. Republicans want to return to a time when insurance companies made all of the rules and could limit or deny coverage to people for having conditions like asthma, diabetes, and cancer. If passed, these sham bills would only force more families to gamble with their health care, putting them at serious risk of medical debt if they get sick.”

GOP JUNK PLAN LEGISLATION

- **Association Health Plans Act:** Introduced by [Congressman Tim Walberg](#), the Associations Health Plans Act will expand access to association health plans (AHPs) and undermine the ACA.
- **Self Insurance Protection Act:** Introduced by [Congressman Bob Good](#), this legislation will protect access to stop-loss insurance, insurance for employers who self-fund their employee benefit plans, but do not want to assume liability for losses. This promotes use of non-ACA compliant plans such as AHPs and other self funded benefit plans.

BACKGROUND

- **Pre-Existing Conditions Affect As Many As 135 Million People.** According to an analysis by the Center for American Progress, roughly half of nonelderly Americans, or as many as 135 million people, have a pre-existing condition. More than [17 million](#) children, [68 million](#) women, and [32 million](#) people aged 55-64 have a pre-existing condition. This [includes](#):
 - 44 million people who have high blood pressure
 - 45 million people who have mental health and substance use disorders
 - 44 million people who have high cholesterol
 - 34 million people who have osteoarthritis and other joint disorders
 - 34 million people who have asthma and chronic lung disease
- **AHPs Leave Behind Sick and At-Risk Individuals.** AHPs are health plans that are offered to members of trade associations, professional groups, or other organizations. Compared to plans available on state marketplaces, AHPs provide [weaker cost and protection coverage](#) and are not required to hold up the same protections that plans under the ACA do. Savings in AHPs come at the expense of sicker and at risk individuals who have higher costs than healthy individuals on these plans.
- **AHPs Avoid ACA Regulations.** AHPs [do not have to participate](#) in the ACA's single-risk pool rule. The single-risk pool allows premiums to be set based on everyone who has a specific type of insurance. Since AHPs do not have to have one pool, they can set premiums lower for healthier people and higher for those with pre-existing conditions or who are at risk for health issues in the future. This can cause AHPs to lure healthier individuals out of the ACA marketplace pool causing an increase in claim costs and therefore premium increases for ACA-compliant insurers.
- **Communities of Color and Other Marginalized Communities Are Exploited By AHPs.** [Black, Latino, Asian, Indigenous](#), and [LGBTQI+](#) people in

America tend to have poorer health and are more likely to be living in poverty than their White, heterosexual counterparts. Members of these marginalized communities with an AHP for their insurance would likely have [higher premiums](#) due to pre-existing conditions, AHP's not being subject to a single risk pool, and not participating in risk adjustment transfers.

- **AHPs Do Not Comply With Essential Health Benefit Requirements.** The ACA requires health insurance companies to cover essential health benefits such as prescription drugs, mental health and substance use treatment, and maternity care. AHPs aren't required to include essential health benefits in their coverage, meaning individuals on these health plans would pay out of pocket for these services.