



HEALTH REFORM ADVISORY PRACTICE

Weekly Legislative Update



July 21, 2017

Despite a Rough Week, GOP-Sponsored Health Reform May Still be Alive

Health Reform has dominated the headlines this week. It began with the collapse of the Better Care Reconciliation Act (BCRA), followed by Senate Majority Leader Mitch McConnell's (R-KY) statement that he would bring the Senate's 2015 bill repealing the Affordable Care Act (ACA), with no replacement, to the floor for a vote – which also received immediate opposition. Mid-week there were discussions about reviving the BCRA, but by week's end the Republicans' way forward was anyone's guess. Despite the uncertainty, McConnell has remained firm that Republicans will hold a procedural vote on a healthcare bill...next week.

Lockton comment: Sen. John McCain (R-AZ), who is still recovering from surgery, announced this week that he has been diagnosed with cancer. When McCain might return to D.C. is uncertain, but it seems highly unlikely that he will return in time for a Senate vote next week. McCain's absence makes it even more difficult to move the healthcare legislation forward. Senate rules require the senator to be in the U.S. Capitol in order to cast a vote. Without McCain's vote, McConnell can only afford to lose one more senator's vote if the healthcare bill is to pass.

As we addressed on Tuesday – in our [Health Reform Advisory Practice Alert](#) – the Senate's effort to repeal and partially replace the ACA collapsed early this week when additional senators expressed opposition to the BCRA. Since that time, Senate Republicans have discussed two different paths to move health reform forward.

Repeal the ACA without a replacement?

Immediately following the apparent demise of the BCRA, McConnell stated he would bring the Republicans' 2015 reconciliation bill repealing (but not replacing) most of the ACA to a vote. Sen. Susan Collins (R-ME), Sen. Shelley Moore Capito (R-WV) and Sen. Lisa Murkowski (R-AK) quickly announced they would not support the repeal bill. To add insult to injury, the Congressional Budget Office (CBO) released its report which estimates the Senate repeal bill, with no replacement would result in 32 million more people becoming uninsured over the next ten years.

Revival of the BCRA?

The latter part of the week saw the emergence of a different approach. Republican leadership has been meeting with senators to discuss tweaks to the BCRA in an effort to win the support needed to resurrect and advance the bill. There are reports that an amended bill would include an additional \$200 billion to assist states with Medicaid expansion programs.

Yesterday, the CBO released its delayed report on the amended BCRA legislation (discussed in our [Legislative Update](#) last week). The new analysis estimates that under the updated version of the BCRA, 22 million more people will become uninsured by 2026. This is the same number of individuals estimated to become uninsured under the original version of the BCRA (notably, 10 million less uninsured than what was estimated for the repeal bill).

Lockton comment: The CBO's score of the updated BCRA does not include an analysis of the Cruz amendment, which would allow insurers to sell non-ACA compliant plans, or any updates that might be made to the bill in light of the meetings with senators this week. Any additional modifications made to the bill will require a new CBO score.

What Next?

As noted, McConnell intends to bring a motion to move healthcare legislation to the Senate floor next week. What that legislation will be remains unclear. Stay tuned folks. Although limping along, GOP-sponsored health reform might still be alive.

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