



DISPONIBLE EN ESPAÑOL

## Concerned About Losing Your Marketplace Plan? ACA Repeal May Take Awhile

By **Michelle Andrews** | November 10, 2016

President-elect Donald Trump has promised that he'll ask Congress to repeal the Affordable Care Act on Day One of his administration. If you're shopping for coverage on the health insurance marketplace, should you even bother signing up? If everything's going to change shortly after your new coverage starts in January anyway, what's the point?

While it's impossible to know exactly what changes are coming to the individual market and how soon they'll arrive, one thing is virtually certain: Nothing will happen immediately. Here are answers to questions you may have.

### Q. How soon after Trump takes office could my marketplace coverage change?



#### Insuring Your Health

KHN contributing columnist Michelle Andrews writes the series **Insuring Your Health**, which explores health care coverage and costs.

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It's unlikely that much, if anything, will change in 2017.

"It's a complex process to alter a law as complicated as the ACA," said Sara Rosenbaum, a professor of health law and policy at George Washington University. It seems unlikely that congressional Republicans could force through a repeal of the law since Democrats have enough votes to sustain a filibuster blocking that move. So Congress might opt to use a budget procedure, called "reconciliation," that allows revenue-related changes, such as eliminating the premium tax credits, with simple majority votes. Yet even that process could take months.

And it wouldn't address the other parts of the health law that reformed the insurance market, such as the prohibition on denying people coverage if they're sick. How some of those provisions of the law will be affected is still quite unclear.

“It will likely be January 2019 before any new program would be completely in place,” said Robert Laszewski, a health care industry consultant and long-time critic of the law.

The current open enrollment period runs through January 2017. Shop for a plan, use it and don’t focus on what Congress may do several months from now, Rosenbaum advised.

**Q. Will my subsidy end next year if the new administration repeals or changes the health law?**

Probably not. Mike Pence, the vice president-elect, said on the campaign trail that any changes will allow time for consumers receiving premium subsidies to adjust.

Timothy Jost, an emeritus professor at Washington and Lee University School of Law in Virginia who is an expert on the health law, also predicts a reasonable transition period.

Congress and the new administration are “not eager to have a bunch of angry, uninsured voters,” Jost said.

Theoretical conversations about changing the health law are one thing, but “I think that Congress may be less willing to just wipe the subsidies out if a lot of people are using them,” Rosenbaum said. More than 9 million people receive subsidies on the marketplace, according to the federal Department of Health and Human Services.

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**Q. Can my insurer drop out once the new administration takes over, even if the law hasn’t been repealed?**

No, insurers are generally locked in contractually for 2017, according to experts. But 2018 could be a whole different story, said Laszewski.

Many insurers are already losing money on their marketplace offerings. If they know that the health insurance marketplaces are being eliminated and replaced by something else in 2019, why would they stick with a sinking ship?

“The Trump administration could be left with a situation where Obamacare is still alive, the subsidies are still alive, but not the insurers,” said Laszewski. To prevent that, the Trump administration might have to subsidize insurers’ losses during a 2018 transition year, he said.

**Q. My state expanded Medicaid to adults with incomes up to 138 percent of the federal poverty level (about \$16,000). Is that going to end if Obamacare is repealed?**

It may. Trump has advocated giving block grants to finance the entire Medicaid program on the theory that it provides an incentive for states to make their programs more cost-effective. But that strategy could threaten the coverage of millions of Americans if the block grants don't keep pace with costs, Jost said.

So far, 31 states and the District of Columbia have expanded Medicaid under the health law. Republican governors in these states may play a key role in arguing against taking the expansion money away, Rosenbaum said.

**Q. I have a heart condition. Does this mean I'm going to have a hard time finding coverage?**

It's possible. The health law prohibits insurers from turning people away because they're sick and may be expensive to insure.

Republicans have generally promised to maintain that guaranteed insurability, but what that would look like is unclear. Some of their plans would require people to remain continuously insured in order to maintain that guarantee, said Laszewski.

"I would advise people who are sick to get good coverage now and hang onto it," said Jost.

**Q. Since Republicans have pledged to repeal the law, can I ignore the law's requirement that I have health insurance?**

The individual mandate, as it's called, is one of the least popular elements of Obamacare. As long as it's the law, you should follow it, experts said.

Insurers have argued that the requirement that they take all comers who apply for health insurance only works if there's a coverage mandate or other mechanism that strongly encourages people to have insurance. Otherwise why would they bother unless they were sick?

For the past few years, Republicans have been pushing hard to eliminate the mandate, Laszewski noted.

"One of the easy things they could do is just not enforce it," he said.

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