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## Challenges for the Affordable Care Act Remain in 2018

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After repeated attempts to repeal failed in 2017, overarching federal reform of the Affordable Care Act (ACA) appears unlikely in 2018. However, ongoing uncertainty and turmoil in the individual insurance market will ensure that the ACA remains on Congress' radar. Rising premiums and declining plan choices, likely exacerbated by repeal of the individual mandate penalty starting in 2019, will provide a strong incentive for Congress to consider two bipartisan market stabilization measures:

- **Alexander-Murray:** Senators Lamar Alexander (R-TN) and Patty Murray (D-WA)'s bill to provide funding for payments for the ACA's Cost-Sharing Reductions (CSRs); and
- **Collins-Nelson:** Senators Susan Collins (R-ME) and Bill Nelson (D-FL)'s bill to provide for federal reinsurance support.

The Senate may consider these measures early this year, in part because Senate Republican leadership promised Senator Collins a vote on her measure in exchange for supporting the GOP tax bill. However, their passage in the Senate remains uncertain, and support in the House is even more tenuous.

As Congress decides its course on the ACA, the Trump Administration is likely to continue shaping the law significantly through the regulatory process. On January 4, 2018, the Department of Labor released a proposed rule that is expected to alter the regulation of association health plans (AHPs). This follows from President Trump's recent executive order to expand access to AHPs and other types of insurance, such as short-term limited duration insurance and health reimbursement arrangements (HRAs). Expect the Administration to continue to advance modifications to the ACA through regulations that may impact health insurance exchanges, Essential Health Benefits requirements, Section 1332 waivers and state flexibilities, and more.