

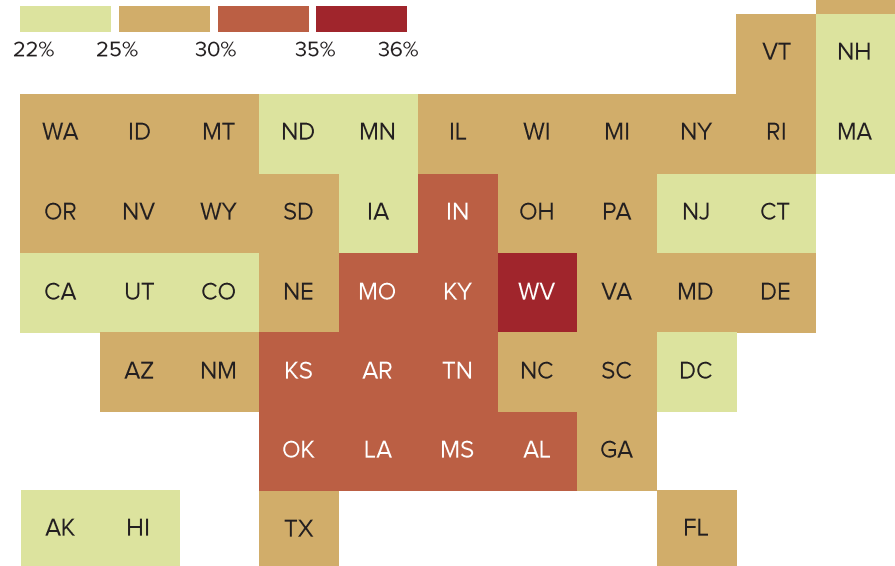
## Pre-existing Conditions Key Issue in Senate Health Care Battle

Following the passage of the American Health Care Act in the House, attention has shifted to the Senate. GOP leadership is limited by their thin majority in the chamber as well as a set of complicated Senate rules. Without Democratic support, Republicans can only afford two defections.

The issue of protections for pre-existing conditions has become an early focus. Sen. Bill Cassidy (R-La.) said that the Senate bill should pass the “Kimmel test,” referring to a monologue by late-night comedian Jimmy Kimmel about the birth of a son with a congenital heart disease. Sen. Susan Collins (R-Maine) said that it was “unlikely” that the House GOP bill’s waiver system would provide affordable coverage for individuals with preexisting conditions.

According to a study by the Kaiser Family Foundation, at least 22 percent of the non-elderly population has a condition that would make it difficult to purchase insurance without ACA protections.

Share of non-elderly people with declinable pre-existing conditions



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GOVERNMENT AFFAIRS AND GRASSROOTS ADVOCACY

## Official Senate GOP working group for health care reform



**Mitch McConnell**  
(R-Ky.)



**Orrin Hatch**  
(R-Utah)



**Lamar Alexander**  
(R-Tenn.)



**Mike Enzi**  
(R-Wyo.)



**John Thune**  
(R-S.D.)



**Ted Cruz**  
(R-Texas)



**Mike Lee**  
(R-Utah)



**Tom Cotton**  
(R-Ark.)



**Cory Gardner**  
(R-Colo.)



**John Barrasso**  
(R-Wyo.)



**Rob Portman**  
(R-Ohio)



**John Cornyn**  
(R-Texas)



**Pat Toomey**  
(R-Pa.)

## Senate Health Care Working Group Lacks Key Moderates

Senate GOP leadership announced a list of 13 senators to lead the chamber's efforts to write a health care reform bill. Majority Leader McConnell, Senate HELP Chairman Alexander and Sen. Cotton all hail from states with higher-than-average rates of declinable conditions.

Democrats swiftly criticized the GOP working group for failing to include any women. Senators Collins and Lisa Murkowski (R-Alaska) have criticized the House bill for defunding Planned Parenthood.

Senators Cassidy and Collins introduced their own draft health care legislation earlier this year and argue that any major reform should aim for support from moderate Democrats. However, all 10 Senate Democrats up for re-election in 2018 in states won by President Donald Trump have sharply criticized the House GOP's reform effort.

The exclusion of key GOP moderates from the committee suggests that GOP leadership is more concerned with securing the votes of senators on the party's right flank. Senators Cruz and Lee, who have defied leadership from the right in the past, are both on the committee. Sen. Rand Paul (R-Ky.), considered a conservative wild-card vote, is not.

## Prior to ACA, High-Risk Jobs and Medications Could Be Pre-existing Conditions

The House GOP bill would allow states to opt out of several key ACA regulations, letting insurers price coverage based on health status for individuals who have not maintained continuous insurance coverage. GOP lawmakers insist that waivers cannot be used to deny coverage altogether, but critics argue that insurers could effectively deny coverage by making premiums prohibitively expensive for individuals with certain health conditions.

The Kaiser study used insurer underwriting manuals to identify dozens of conditions that could lead an insurer to decline coverage in the pre-ACA individual market. In addition to specific conditions, underwriters would often deny coverage based on an enrollee's prior medications or their occupation. If the House bill became law, it would be up to state governments and the HHS secretary to determine which aspects of an enrollee's "health status" could be taken into account for the purposes of medical underwriting. Senators may choose to limit the waivers or remove them from their version of the bill.

### Common factors that could cause an insurer to decline insurance coverage prior to the Affordable Care Act

#### Declinable conditions

AIDS/HIV	Lupus
Alcohol or drug abuse	Mental disorders
Alzheimer's	Multiple sclerosis
Arthritis	Muscular dystrophy
Cancer	Obesity
Cerebral palsy	Organ transplant
Congestive heart failure	Paraplegia
Coronary heart disease	Paralysis
Crohn's disease	Parkinson's
Emphysema	Pending surgery
Diabetes	Pneumonia
Epilepsy	Pregnancy
Hemophilia	Sleep apnea
Hepatitis C	Stroke
Kidney disease	Transsexuality

#### Declinable medications

Angina medication
Anemia treatment
Anti-arthritic medications
Anti-cancer medications
Anti-coagulants & anti-thrombotics
Anti-diabetic medications
Anti-psychotics, autism or other nervous system medications
HIV/AIDS or hepatitis treatment
Fertility medication
Growth hormones
Narcolepsy medication

#### Declinable occupations & activities

Active military	Offshore drilling
Air traffic control	Pilots
Aviation	Professional athletes
Explosives handling	Sawmill operators
Bodyguards	Scuba divers
Crop dusting	Security guards
Firefighters and EMT	Steel metal workers
Hang gliding	Steeplejacks
Hazardous material work	Strong man competitions
Iron workers	Taxi drivers
Law enforcement	Window washing
Logging	
Meat packing	
Mining	
Nuclear industry	