

Obamacare Markets Will Not Reopen, Trump Decides

The move would have made it easier for people who have recently lost jobs to obtain health insurance.



By **Margot Sanger-Katz** and **Reed Abelson**

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President Trump late last week on his way to Naval Station Norfolk in Virginia. Sarah Silbiger/Getty Images

The Trump administration has decided against reopening the Affordable Care Act’s Healthcare.gov marketplaces to new customers, despite broad layoffs and growing fears that people will be uninsured during the coronavirus outbreak.

The option to reopen markets, in what is known as a special enrollment period, would have made it easier for people who have recently lost jobs or who had already been uninsured to obtain health insurance. The administration has established such special enrollment periods in the past, typically in the wake of natural disasters.

The administration had been considering the action for several weeks, and President Trump mentioned such conversations in a recent news briefing. But according to a White House official, those discussions are now over. The news of the decision was previously reported by Politico.

The decision will not prevent Americans who recently lost their jobs from obtaining health insurance if they want it. Under current law, people who lose job-based insurance already qualify to enroll for health insurance on the marketplaces, but are required to provide proof that they lost their coverage. A special enrollment period would have made it easier for such people to enroll, because it would not require that paperwork. It also would have provided a new option for people who chose not to buy health insurance this year but want it now.

Though the administration continues to run the Affordable Care Act marketplaces, it has taken numerous steps to weaken them, and President Trump continues to call for the health law’s elimination and replacement. The administration has joined a lawsuit with a group of Republican states that calls for the entire law to be overturned, which the Supreme Court will consider in its next term. Mr. Trump recently told reporters that he continues to support the suit, and would like to replace the law, though he has not specified a preferred policy alternative.

“What we want to do is get rid of the bad health care and put in a great health care,” he said, in response to a question on March 22 about the lawsuit.

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So far, the administration has declined to publicize the existing options for Americans who have recently lost health benefits through job reductions.

Eleven states and the District of Columbia have established special enrollment periods to allow people to obtain new insurance coverage. The states are California, Colorado, Connecticut, Maryland, Massachusetts, Minnesota, Nevada, New York, Rhode Island, Vermont and Washington, and they control their marketplaces. But federal action would have been required to allow customers to re-enter the markets in the 38 states with markets run by Healthcare.gov. or that use the federal platform. (Idaho, which also runs its own marketplace, has decided against a special enrollment period.)

Insurers, which had been arguing in favor of the enrollment period, had been hopeful just a few days ago that the White House might announce such a step. But the situation suddenly became “fluid,” in the description of one executive. Another described the administration as divided about whether to proceed, especially given the president’s support for the lawsuit that would overturn the law.

Numerous other health care provider and consumer groups, including the American Diabetes Association, Families USA and the New Hampshire Nurses Association, wrote a joint letter to the administration last month asking it to establish a special enrollment period. The groups argued that forcing people to verify eligibility “would not only delay care receipt, it would deter enrollment by healthy customers, endangering the individual-market risk pool,” the grouping of customers that determines what the insurers charge for a policy.

Governors of several states also asked the administration to grant a special enrollment period, including Republican governors in Arizona and New Hampshire, and Democratic ones in Oregon, Michigan and New Jersey.

Many Democratic politicians criticized the decision Wednesday as insensitive to the needs of the public in a crisis, including Joe Biden, who leads the race for the Democratic presidential nomination. The Democratic Congressional Campaign Committee also released a statement, suggesting it may become a campaign issue. Democrats made health care a centerpiece of many House races in the 2018 midterm elections.

“In the midst of a global pandemic, Washington Republicans continue their crusade against the health and safety of the American public,” said Fabiola Rodriguez, a spokeswoman for the group, in the statement. “By blocking uninsured Covid-19 patients from getting health care, Trump and his allies have decided to bankrupt American families. The American people deserve to know if House Republicans will stand up for the millions of Americans who face the challenge of being jobless and uninsured during the Covid-19 pandemic.”

Both Democratic and Republican members of Congress had also urged the administration to consider a special enrollment period. But Congress declined to require such an enrollment period in its last round of coronavirus legislation, instead leaving the decision to federal officials.

In a statement Wednesday, Senator Cory Booker of New Jersey recommended that Congress include a special enrollment provision in its next round of coronavirus legislation. He had also proposed such language be included in the last bill. “At a time when our health care system is already under enormous strain, it makes no sense to willingly allow even more individuals to go without coverage,” he said.

Even though the White House official described the matter as decided, officials have the capability to establish a special enrollment period at any time.

Noah Weiland contributed reporting.

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