

# **The Shifting Landscape in Health Policy in New York State: Challenges and Opportunities**

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# The ACA Dodges Some Bullets -- Enough Already!

## *Litigation*

- King et. al. v. Sebelius
- NFIB v. Sebelius
- House v. Burwell


## *House-Senate Legislation*

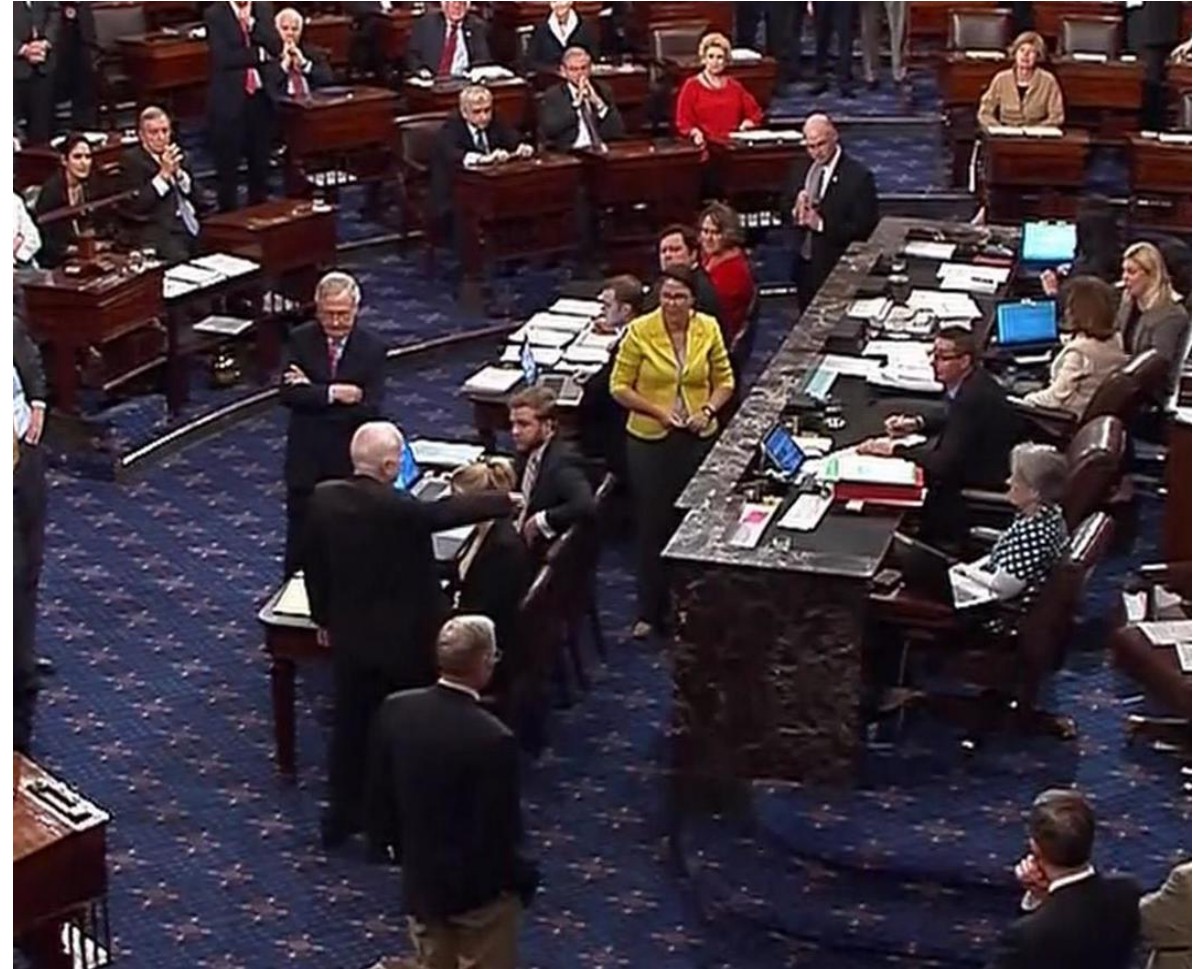
- President Obama vetoes in January 2016

## *House Legislation*

- **House American Health Care Act I, II and III**

## *Senate Legislation*

- Cassidy-Collins
- **Better Care Reconciliation Act I and II**
- “Skinny Repeal” 
- Graham-Cassidy (No more Cassidy-Collins)
- **Alexander-Murray**
- Hatch-Brady



## Legislation

Plenty of vehicles (end of year must do, Tax Cuts, CHIP)

- Individual Mandate
- Employer Mandate
- Section 1332 waivers

## Regulatory and Administrative

[Tom Price, M.D. Verified account @SecPriceMD](#)

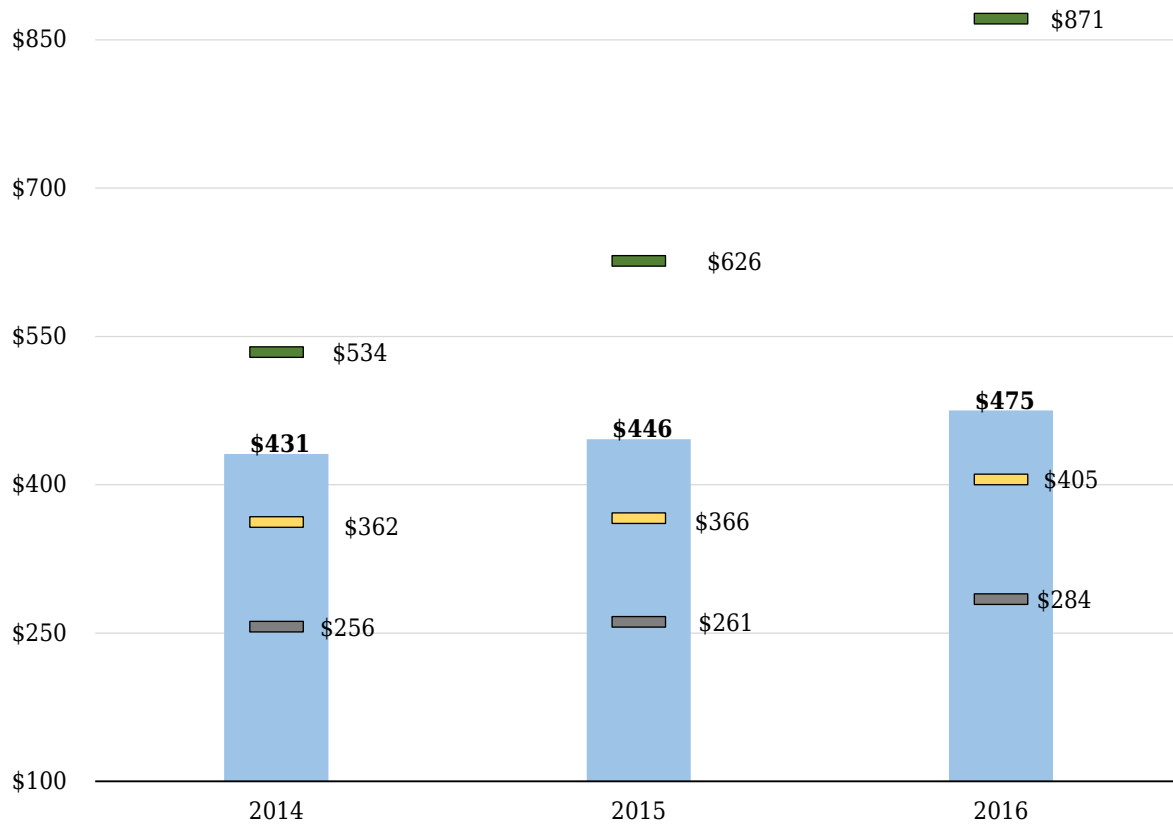
There are 1,442 citations in [#ACA](#) where it says “The Secretary shall...” or “The Secretary may...” [@HHSGov](#), we’ll look at every single one. (March 17, 2017)

- Executive Orders
- Interpretations
- Sub-regulatory Guidance
- Regulations
- Enforcement
- Litigation
- Funding
- Tweets

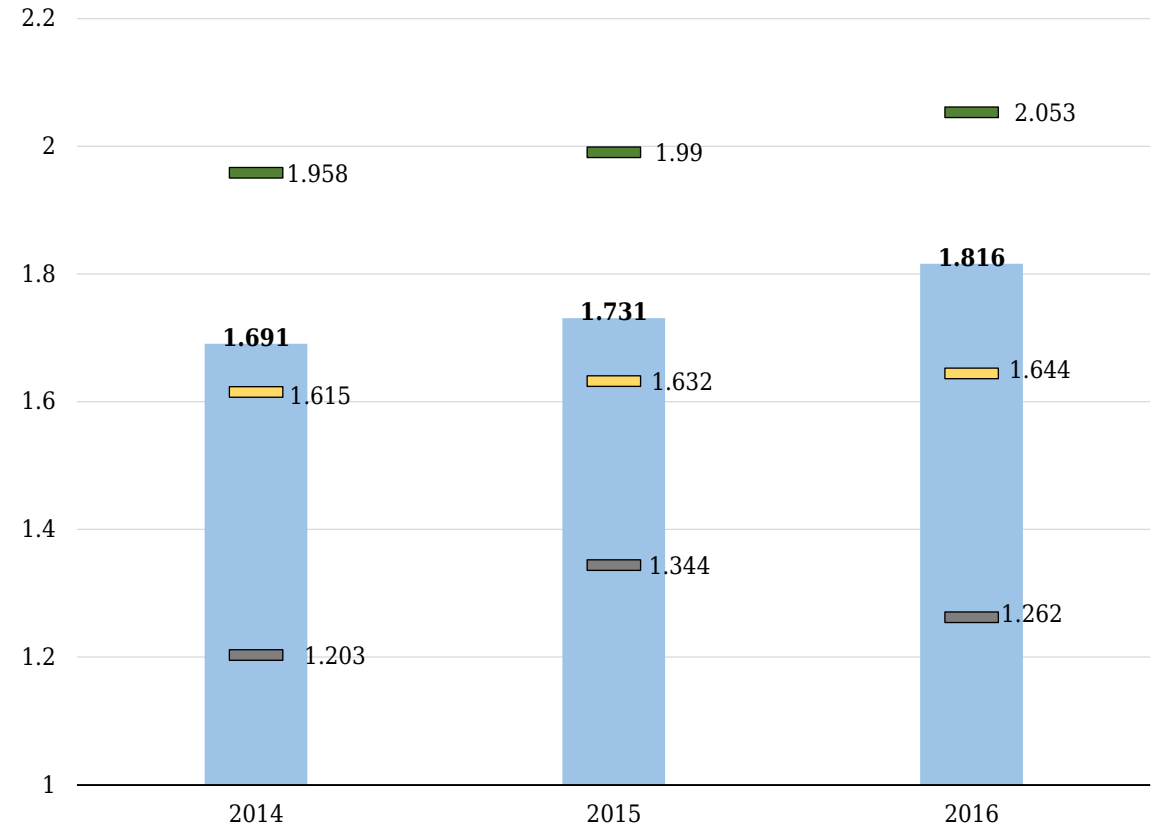


# Signs of Distress in NY's Individual Market (7<sup>th</sup> sickest, 10<sup>th</sup> highest premium, in 2016)

Individual Market Average Monthly Premiums, 2014 to 2016



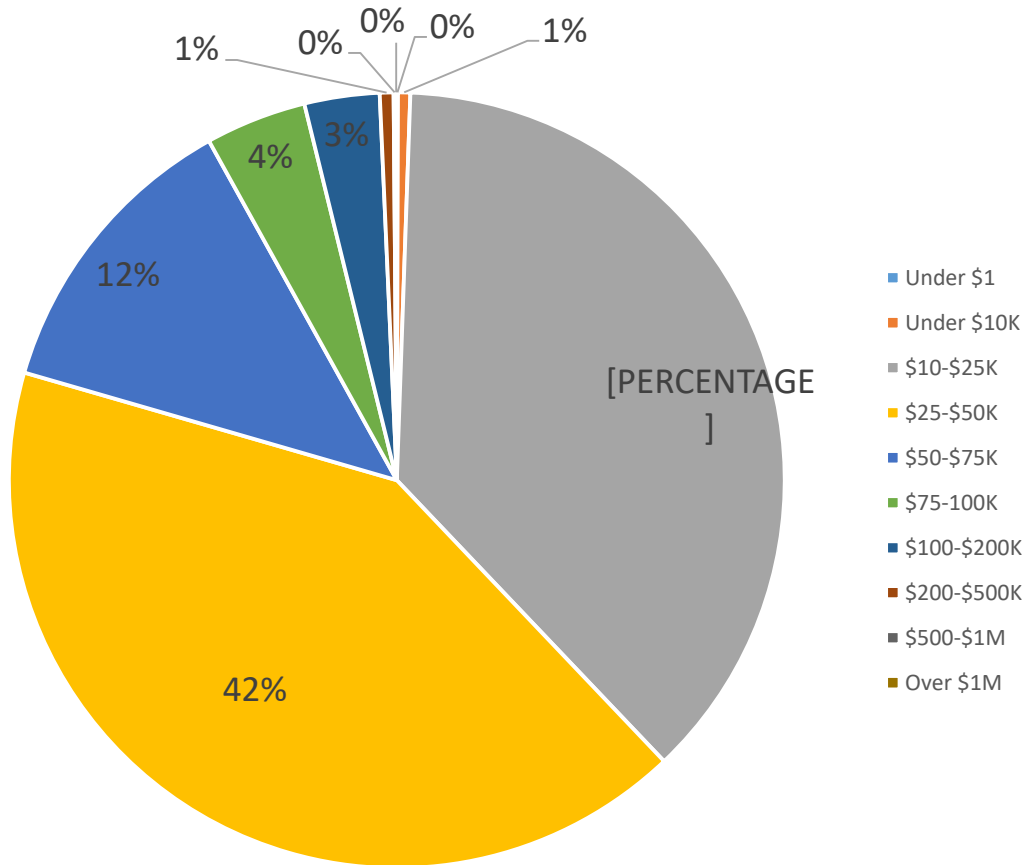
Individual Market Average Risk Scores, 2014 to 2016



Blue bar = New York; Black bar = Lowest U.S. State; Yellow Bar = U.S. Average; Green bar = Highest U.S. State

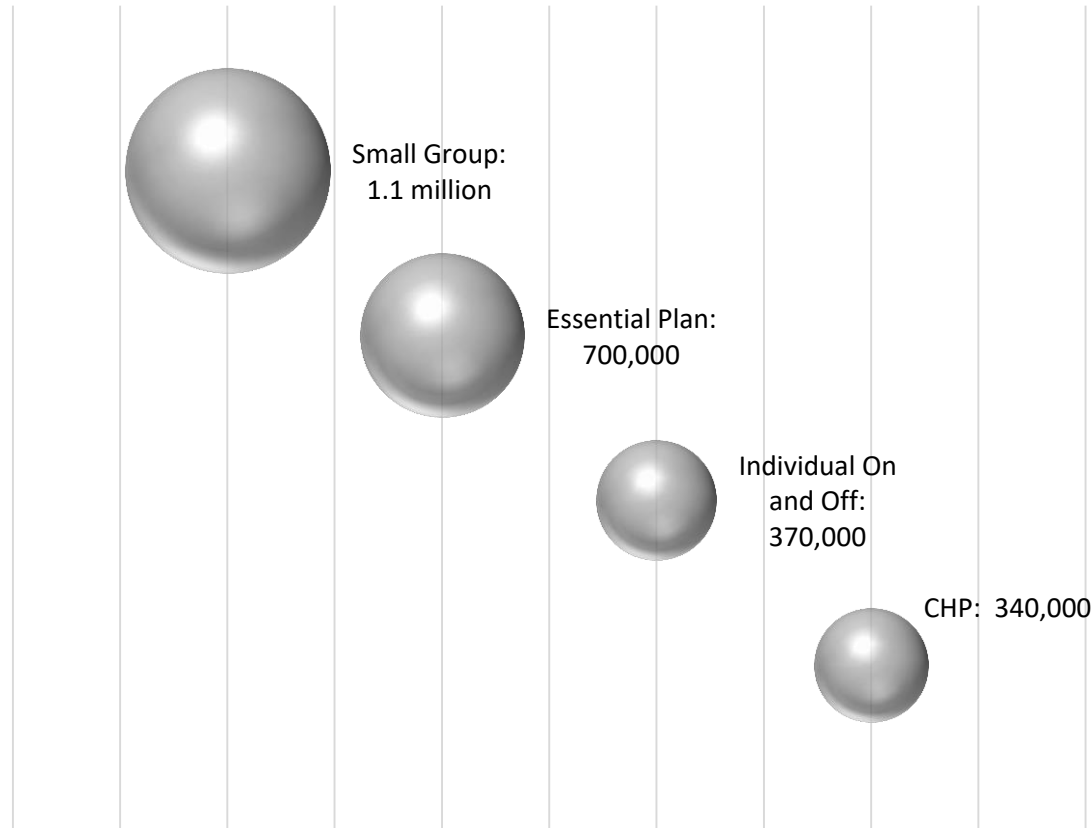
# Affordability and Value

NY Tax Returns with Individual Responsibility Payments by AGI, 2015



- Estimated 405,000 tax filings with individual responsibility payments from New Yorkers in 2014
- Two AGI groups, \$10K-\$25K (grey) and \$25K-\$50K (yellow) accounted for 79% of individual responsibility payments in 2014
- 2016 numbers are certainly lower because of Essential Plan, and increase in individual responsibility payment
- APTC recipients shielded from annual premium increases, Off-Exchange Individual and Small Group are not – and that’s a problem
- Cliff dwellers: \$48.K for individuals, and 98K for family of four

# Everybody into the Pool(s)



- SG, Individual, EP and CHP now have very similar benefits, except for a few services;
- Individual, EP and CHP markets served by the same plans for the most part;
- Pooled separately nevertheless.

# Challenges and Opportunity

## Challenges

- Individual/Employer Mandate
- APTC's and CSRs
- BHP
- Essential Health Benefits
- Association Health Plans
- A neo-Federalist approach?

## Opportunity

- 1332 Waivers
- Mixed signals but positive for ~~Insurer Bailouts~~ Reinsurance
- Possible increased state flexibility, streamlined process



# Thank you!

Questions: [pnewell@uhfnyc.org](mailto:pnewell@uhfnyc.org)

Recent, related publications:

*As 2018 Open Enrollment Begins, Trump Administration Adds New Challenges for New York's Individual Market.* <https://uhfnyc.org/publications/881255>

*Rewind: New York State Faces Familiar Issues and New Challenges in the "Repeal and Replace" Era.* <https://uhfnyc.org/news/881217>

*Affordable Care Act Brings New Life—and Covered Lives—to New York's Individual Market.* <https://uhfnyc.org/publications/881127>

*The Big Picture VI: New York's Private and Public Insurance Markets*  
<https://uhfnyc.org/publications/881161>

*Great Expectations: New York Launches Its Affordable Care Act Marketplace*  
<https://uhfnyc.org/publications/880957>