

PROTECT OUR CARE

**THE RELENTLESS REPUBLICAN
WAR ON PEOPLE WITH
PRE-EXISTING CONDITIONS:
THE LONE STAR EDITION**

AUGUST 2018

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At the same time the Senate Judiciary Committee will be holding its hearings on Supreme Court Justice nominee Brett Kavanaugh, a federal judge in Northern District of Texas will be hearing arguments on a lawsuit brought by Republican officials in 20 states to repeal the Affordable Care Act, a case which could be brought before the Supreme Court with a potential Justice Kavanaugh casting a deciding vote.

The timing could not make the stakes more clear. If you are a woman, on Medicaid, or have a pre-existing condition, the next Supreme Court justice would have the power to determine whether you have access to quality, affordable coverage.

That's because from day one, President Trump and his Republican allies in Congress have relentlessly pursued a war on health care to repeal, undermine and sabotage the Affordable Care Act (ACA). They have used every tool at their disposal — legislation, regulation, and increasingly the courts — to pursue policies that would take away coverage, raise costs and undermine consumer protections. While most Republicans give lip service to maintaining these protections, they have voted consistently against protections for pre-existing conditions and refuse to oppose the Trump Administration's sabotage plans. They are simply saying "yes" to whatever this administration wants.

This report takes a deeper look at how Republicans have undermined one of the most popular provisions of the ACA — banning insurance companies from discriminating against people with pre-existing conditions — and what would happen if they are successful in turning the clock backward on our care.

Before the ACA, Insurance Companies Could Deny, Drop or Charge More Because of a Pre-Existing Condition

Before the Affordable Care Act became law, health coverage on the nongroup market was described as the "[wild wild West](#)" of health insurance marketplaces. That was because consumers were at the mercy of insurance companies that could deny coverage, drop coverage, or charge people more based on their health status, gender, and age. The ACA required "guaranteed issue" and "community rating" in the individual market — meaning insurance companies could no longer deny or drop coverage because of health status, and they could not charge people more based on health status or gender. It also imposed limits on how much more insurance companies could charge people over 50 compared to younger people.

Denying Coverage

Prior to the Affordable Care Act, insurance companies routinely denied coverage to people based on a pre-existing condition like asthma, cancer, diabetes and high blood pressure. A 2010 congressional report found that the top four health insurance companies [denied coverage to 1 in 7 consumers](#) on the individual market over a three year period. In 2016, the Kaiser Family

The 130 Million Americans with a Pre-Existing Condition, Explained

According to a recent [analysis](#), roughly half of nonelderly Americans, or as many as 130 million people, have a pre-existing condition. This includes:

- 44 million people who have high blood pressure
- 45 million people who have behavioral health disorders
- 44 million people who have high cholesterol
- 34 million people who have asthma and chronic lung disease
- 34 million people who have osteoarthritis and other joint disorders

17 million children. [One in four](#) children, or roughly 17 million, have a pre-existing condition.

68 million women. [More than half](#) of women and girls nationally have a pre-existing condition.

30 million people aged 55-64. [84 percent](#) of older adults, 30.5 million Americans between age 55 and 64, have a pre-existing condition.

For a state breakdown of people with pre-existing conditions, please see Appendix B.

Foundation outlined several conditions, professions and medications that insurance companies used to deny people coverage before the Affordable Care Act:

Conditions That Could Cost You Your Care:	Jobs You Could Be Denied Coverage Because Of:	Medications That You Could Be Denied Health Care For Taking:
<ul style="list-style-type: none"> • AIDS/HIV • Alcohol/drug Abuse • Cerebral Palsy • Cancer • Heart Disease • Diabetes • Epilepsy • Kidney Disease • Severe Epilepsy • Sleep Apnea • Pregnancy • Muscular Dystrophy • Depression • Eating Disorders • Bipolar Disorder 	<ul style="list-style-type: none"> • Active military personnel • Air traffic controller • Body guard • Pilot • Meat packers • Taxi cab drivers • Steel metal workers • Law enforcement • Oil and gas exploration • Scuba divers 	<ul style="list-style-type: none"> • Anti-arthritic medications • Anti-diabetic medications (including insulin) • Anti-cancer medications • Anti-coagulant and anti-thrombotic medications • Medications used to treat autism • Anti-psychotics • Medications for HIV/AIDS • Growth hormone • Medication used to treat arthritis, anemia, and narcolepsy • Fertility Medication

Source: [Kaiser Family Foundation](#)

Dropping Coverage

Before the ACA, insurance companies also practiced what is known as “[rescission](#),” where once a person gets sick the insurance company would scour through medical records and other forms to find some mistake to justify terminating that person’s coverage. For example, one woman described how her health coverage was canceled after discovering she had a thyroid disorder because she did not tell her insurance company she had a back problem, a condition she said she did not she had. Another woman’s health coverage was cancelled after she was diagnosed with breast cancer because the insurance company failed to disclose she went to a dermatologist for acne. A 2009 congressional report found that the of the largest insurance companies had retroactively canceled coverage for [20,000 people](#) over the previous five year period.

Charging More and Putting Limits on Care

If people with pre-existing conditions were able to get coverage on the individual market before the Affordable Care Act, insurance companies were able to charge more for coverage. Women, for example, were often charged premiums on the nongroup market of [up to 50 percent higher](#) than they charged men for the same coverage. They could also put annual or lifetime limits on the amount of care people received. Once the limit was reached, consumers were on their own.

The Affordable Care Act made comprehensive coverage more available by requiring insurance companies to include “essential health benefits” in their plans, such as maternity care, hospitalization, substance abuse care and prescription drug coverage. Before the ACA, people had to pay extra for separate coverage for these benefits. For example, in 2013, [75 percent](#) of non-group plans did not cover maternity care, [45 percent](#) did not cover substance abuse disorder services, and [38 percent](#) did not cover mental health services. [Six percent](#) did not even cover generic drugs.

And Now They Are Going to the Courts to Declare Protections for Pre-Existing Conditions Illegal: *Texas v. United States* Puts Our Health Care on the Line

On September 5, a federal judge in Texas will hear oral arguments for and against a preliminary injunction to stop the ACA in its tracks. The request for injunction was made in a lawsuit filed in February by a group of Republican attorneys general and governors. In June 2018, the Trump Administration's Department of Justice announced it would no longer defend parts of the ACA in the latest partisan lawsuit brought by a group of Republican attorneys general and governors that seeks to repeal the ACA. In doing so, the Trump Administration agreed that the individual mandate was unconstitutional, and therefore, argued that the guaranteed issue and community rating provisions in the ACA should be repealed. If these measures are repealed, insurance companies can charge more, deny or drop coverage because of a pre-existing condition, charge women more, and impose an age tax on people over 50. Since the Trump Administration refused to defend the law, a coalition of 17 Democratic Attorneys General took steps to defend it.

Texas Lawsuit Threatens More than Just Protections for People with Pre-existing Conditions

This dangerous Trump-GOP lawsuit not only threatens protections for people with pre-existing conditions, but a whole host of provisions of tens of millions of Americans rely upon for their care and coverage. If the courts rule in favor of the Republican attorneys general, critical Affordable Care Act protections would vanish overnight, unleashing chaos in our entire health care system. Here is what could be eliminated:

- Seventeen million more people could lose their coverage in a single year, leading to a [50 percent increase in the uninsured rate](#)
- Protections for 130 million people with pre-existing conditions, if they buy coverage on their own
- Improvements to Medicare, including reduced costs for prescription drugs
- Allowing kids to stay on their parents' insurance until age 26
- Ban on annual and lifetime limits
- Ban on insurance discrimination against women
- Limit on out-of-pocket costs
- Medicaid expansion currently covering 15 million people
- Small business tax credits
- Marketplace tax credits for up to 9 million people

An in-depth explainer on the *Texas* lawsuit can be found in Appendix A.

Just look at what the experts have to say about the Trump Administration and Republican lawsuit:

The American Cancer Society, American Cancer Society Cancer Action Network, American Diabetes Association, American Heart Association, American Lung Association, and National Multiple Sclerosis Society Spoke Out Against the Texas Lawsuit: "Striking Down These Provisions Would Be Catastrophic And Have Dire Consequences For Many Patients With Serious Illnesses." Invalidating the ACA in whole or in part "would be devastating for the millions of Americans who suffer from serious illness or have preexisting conditions and rely on those protections under current law to obtain life-saving health care. If either the plaintiffs' or the administration's position were adopted by the court, people with serious illness are likely to be denied

coverage due to their preexisting conditions or charged such high premiums because of their health status that they will be unable to afford any coverage that may be offered. Without access to comprehensive coverage, patients will be forced to delay, skip, or forego care. Striking down these provisions would be catastrophic and have dire consequences for many patients with serious illnesses.”

American Medical Association, The American Academy of Family Physicians, The American College of Physicians, The American Academy of Pediatrics, and the American Academy of Child and Adolescent Psychiatry Spoke Out Against the Texas Lawsuit: “Invalidating The Guaranteed-issue And Community Rating Provisions—or The Entire ACA—Would Have A Devastating Impact On Doctors, Patients, And The American Health Care System As A Whole.” “Congress declined to do what the Plaintiffs ask this Court to do for a reason: the consequences of repealing the ACA would be staggering...Plaintiffs’ proposed remedies . . . would strip health care from tens of millions of Americans who depend on the ACA; produce skyrocketing insurance costs; and sow chaos in the nation’s health care system...The ACA’s ‘nationwide protections for Americans with pre-existing health conditions’ has played a ‘key role’ in allowing 3.6 million people to obtain affordable health insurance. Severing those vital insurance reforms would leave millions without much-needed insurance.”

Texas v. United States is Just One Part of the Republican War Against Americans with Pre-Existing Conditions

Pushing Junk Plans

This summer the Trump Administration finalized a rule pushing junk plans by expanding the availability of “short-term, limited duration” plans. Short-term plans offered bare-boned, skimpy coverage and were originally designed to be temporary coverage and limited to three months in duration, but now the administration is allowing them to be available 364 days and renewed up to 3 years. Junk plans exempt insurance companies and other payers from key requirements of the Affordable Care Act such as coverage of essential health benefits, maternity care, substance abuse treatment, hospitalization, and prescription drugs. The people who purchase these junk plans, later get sick, and then get stuck with the bill will be impacted by this directly, but [experts](#) also warn that reviving these junk plans will increase premiums and destabilize the market for everyone else. The people left in the ACA marketplaces are more likely to be sicker and older, which means their premiums will be more expensive. The Center for American Progress estimates that combined, these junk plans and Republicans’ repeal of the individual mandate will cause premiums to be [\\$3,110](#) higher next year for a typical family of four. Senate Democrats have [announced plans](#) to introduce legislation that would overturn the Administration’s junk plan rule.

Supporting Bills that Undermine Pre-Existing Conditions Protections

Republicans in Congress have repeatedly tried to enact legislation that would undermine protections for people with pre-existing conditions. For example, in the Senate, the Graham-Cassidy-Heller bill would have allowed states to waive key parts of the ACA such as the “essential health benefit” provision. Senior manager at the health research firm Avalere, Chris Sloan [said](#) of Graham-Cassidy, “You can be charged more for a specific condition.” As the Washington Post [notes](#), “For example, if you are a cancer survivor, an insurance company can’t deny you coverage or increase your premiums because of that pre-existing medical condition. But if the state waived the essential health benefits package and insurers redesigned their plans, and the plans didn’t cover certain cancer treatments or prescription drugs, then the cost could fall on you.”

The House passed American Health Care Act (AHCA) allowed states to waive essential benefits as well as allow insurance companies to charge more because of health status. This surcharge could be in the hundreds of

thousands of dollars. According to the Center for American Progress, insurance companies could charge up to: [\\$4,270 more for asthma](#), [\\$17,060 more for pregnancy](#), [\\$26,180 more for rheumatoid arthritis](#) and [\\$140,510 more for metastatic cancer](#). As a Brookings Institution [analysis](#) found, people with pre-existing conditions could face “prohibitively high premiums” under the House repeal bill: “With healthy enrollees opting out of the community-rated pool, community-rated premiums would need to be extremely high, forcing sicker individuals—including those with continuous coverage—to choose between paying the extremely high community-rated premium or being underwritten themselves. Either way, people with serious health conditions would face prohibitively high premiums.”

Pushing a Sham Bill for Political Cover

Just last week, in a cynical attempt for political cover to appear as if they do not want to overturn these key protections, Senate Republicans introduced a bill they say would guarantee coverage for people with pre-existing conditions. However, there is a huge catch: insurance companies could refuse to cover services related to a pre-existing condition. In other words, a person with cancer could get health coverage, but the insurance company could not pay for any of the cancer-related treatment. The Kaiser Family Foundation's Larry Levitt called this bill “[something of a mirage](#).”

Appendix A: *Texas v. United States - An Explainer*

Eighteen Republican Attorneys General and Two Republican Governors Filed a Lawsuit to Repeal the Affordable Care Act

In February 2018, Republican state attorneys general and governors from 20 states [filed a lawsuit](#) in the U.S. Northern District of Texas. They include:

Texas - Attorney General Ken Paxton	Maine - Governor Paul LePage
Wisconsin - Attorney General Brad Schimel	Mississippi - Governor Phil Bryant
Alabama - Attorney General Steve Marshall	Missouri - Attorney General Josh Hawley
Arkansas - Attorney General Leslie Rutledge	Nebraska - Attorney General Doug Peterson
Arizona - Attorney General Mark Brnovich	North Dakota - Attorney General Wayne Stenehjem
Florida - Attorney General Pam Bondi	South Carolina - Attorney General Alan Wilson
Georgia - Attorney General Christopher Carr	South Dakota - Attorney General Marty Jackley
Indiana - Attorney General Curtis Hill	Tennessee - Attorney General Herbert Slatery
Kansas - Attorney General Derek Schmidt	Utah - Attorney General Sean Reyes
Louisiana - Attorney General Jeff Landry	West Virginia - Attorney General Patrick Morrisey

Then, in June of 2018, the Trump Administration said it would not defend the Affordable Care Act and actually agreed in part with the plaintiffs, arguing that protections for people with pre-existing conditions should be overturned.

The Republican Argument is Not Only Wrong Legally...

The Republican officials claim that now that the Affordable Care Act's individual mandate fine has been reduced to \$0 as a result of the 2017 tax law, the mandate can no longer be considered a "tax." Because of this change, they argue that the mandate is now unconstitutional and that the entire Affordable Care Act must be struck down alongside it under the principle commonly referred to as "severability."

Professors Jonathan Adler and Ilya Somin, who opposed the ACA in previous legal cases, joined pro-health care professors Nicholas Bagley, Abbe Gluck, and Kevin Walsh in arguing the Republican legal arguments are wrong. Here is why: when Congress essentially eliminated the individual mandate in 2017, it kept the rest of the ACA intact, showing that Congress clearly believed the mandate was separable from the rest of the law. "[A] court's substitution of its own judgment for that of Congress would be an unlawful usurpation of congressional power and violate basic black-letter principles of severability," the scholars wrote.

...It Would Also Have Devastating Impacts on Our Care

This dangerous Trump-GOP lawsuit threatens the care and coverage of tens of millions of Americans. If the courts rule in favor of the Republican attorneys general, critical Affordable Care Act protections would vanish overnight, unleashing chaos in our entire health care system. Here is what could be eliminated:

- 17 million more people could lose their coverage in a single year, leading to a [50 percent increase in the uninsured rate](#)
- Protections for 130 million people with pre-existing conditions, if they buy coverage on their own
- Improvements to Medicare, including reduced costs for prescription drugs
- Allowing kids to stay on their parents' insurance until age 26

- Ban on annual and lifetime limits
- Ban on insurance discrimination against women and people over age 50
- Limit on out-of-pocket costs
- Medicaid expansion currently covering 15 million people
- Small business tax credits
- Marketplace tax credits for up to 9 million people

The Trump Administration is Siding With the Republican AGs, and Not With Federal Law or the American People

Typically the Department of Justice defends federal law. In this case, the Trump Department of Justice said it agrees with the Republican state officials that the individual mandate is now unconstitutional. But even though the Republican attorneys general argue the entire ACA should be repealed, the Trump Administration is only asking the court to overturn the insurance reform provisions that protect people from discrimination by insurance companies due to their health status, gender, or age.

Specifically, the Trump Administration is arguing that guaranteed issue and community rating should be overturned. “Guaranteed issue” means insurance companies cannot deny coverage to anyone for any reason. “Community rating” provisions prevent insurance companies from charging someone more because they have a pre-existing condition, or because of their gender. The ACA also limits how much more a person over 50 can be charged compared to a younger person.

Democrats Have Stepped Up in the Federal Government’s Absence

In the absence of the executive branch defending federal law, a coalition of Democratic attorneys general have stepped up to protect our care.

California - Attorney General Xavier Becerra
 Connecticut - Attorney General George Jepsen
 Delaware - Attorney General Matthew Denn
 Hawai'i - Attorney General Doug Chin
 Illinois - Attorney General Lisa Madigan
 Kentucky - Attorney General Andy Beshear
 Massachusetts - Attorney General Maura Healey
 Minnesota by and through its Department of
 Commerce Commissioner Jessica Looman

New Jersey - Attorney General Gurbir Grewal
 New York - Attorney General Barbara Underwood
 North Carolina - Attorney General Josh Stein
 Oregon - Attorney General Ellen Rosenblum
 Rhode Island - Attorney General Peter Kilmartin
 Vermont - Attorney General T.J. Donovan
 Virginia - Attorney General Mark Herring
 Washington - Attorney General Bob Ferguson
 District of Columbia - Attorney General Karl Racine

A Broad Coalition of Health Stakeholders Oppose This Lawsuit, Compared to a Small Group of Ideological Groups Who Support It

Amicus Brief Signed In Support of GOP Plaintiffs	Amicus Brief Signed In Support of the ACA
Trump's Department of Justice	American Medical Association
Citizens United	American Academy of Family Physicians
Downsize DC Foundation	American College of Physicians
Gun Owners of America, Inc.	American Academy of Pediatrics

Conservative Legal Defense and Education Fund	American Academy of Child and Adolescent Psychiatry
	American Hospital Association
	Association of American Medical Colleges
	Catholic Health Association of the United States
	Federation of American Hospitals
	American Cancer Society/American Cancer Society Action Network
	American Diabetes Association
	American Heart Association
	American Lung Association
	National Multiple Sclerosis Society
	American Public Health Association
	Public Health Scholars
	Families USA
	Community Catalyst
	National Health Law Program
	Center for Public Policy Priorities
	Center on Budget and Policy Priorities
	AARP
	SEIU
	Small Business Majority Foundation
	America's Health Insurance Plans (AHIP)

Appendix B: State Specific Numbers on Pre-Existing Conditions

Alabama¹

2 million people with pre-existing conditions, including:

- 998,000 women and girls
- 264,900 children
- 451,200 older people

*Extra premiums because of Republican sabotage**: \$4,590 more annually for a family of four.

*Higher premiums because of age tax***: A 60-year-old could be charged \$4,711 more annually in premiums.

Alaska

326,000 people with pre-existing conditions, including:

- 157,000 women and girls
- 44,600 children
- 76,200 older people

Extra premiums because of Republican sabotage: \$2,510 more annually for a family of four.

Higher premiums because of age tax: A 60-year-old could be charged \$9,659 more annually in premiums.

Arizona

2.8 million people with pre-existing conditions, including:

- 1,420,000 women and girls
- 386,200 children
- 619,900 older people

Extra premiums because of Republican sabotage: \$4,330 more annually for a family of four.

Higher premiums because of age tax: A 60-year-old could be charged \$6,308 more annually in premiums.

Arkansas

1.2 million people with pre-existing conditions, including:

- 607,000 women and girls
- 168,500 children
- 262,100 older people

Extra premiums because of Republican sabotage: \$2,790 more annually for a family of four.

Higher premiums because of age tax: A 60-year-old could be charged \$3,115 more annually in premiums.

California

16.7 million people with pre-existing conditions, including:

- 8,353,000 women and girls
- 2,171,900 children
- 3,581,700 older people

Extra premiums because of Republican sabotage: \$2,700 more annually for a family of four.

Higher premiums because of age tax: A 60-year-old could be charged \$4,353 more annually in premiums.

¹ Data sources are as follows: number of people with pre-existing conditions by state and demographic breakdown [CAP, [4/5/17](#)], premiums because of sabotage [CAP, [7/24/18](#)], age tax premiums [AARP, [Sept. 2017](#)]; Sabotage analysis refers to impacts from junk plans and the repeal of the individual mandate. The age tax assumes a 5:1 age rating band.

Colorado

2.4 million people with pre-existing conditions, including:

- 1,169,000 women and girls
- 299,300 children
- 532,500 older people

Extra premiums because of Republican sabotage: \$2,830 more annually for a family of four.

Higher premiums because of age tax: A 60-year-old could be charged \$4,302 more annually in premiums.

Connecticut

1.5 million people with pre-existing conditions, including:

- 747,000 women and girls
- 182,100 children
- 390,500 older people

Extra premiums because of Republican sabotage: \$3,270 more annually for a family of four.

Higher premiums because of age tax: A 60-year-old could be charged \$4,388 more annually in premiums.

Delaware

389,000 people with pre-existing conditions, including:

- 197,000 women and girls
- 48,600 children
- 95,500 older people

Extra premiums because of Republican sabotage: \$4,770 more annually for a family of four.

Higher premiums because of age tax: A 60-year-old could be charged \$4,370 more annually in premiums.

District of Columbia

291,000 people with pre-existing conditions, including:

- 155,000 women and girls
- 28,100 children
- 52,000 older people

Extra premiums because of Republican sabotage: \$490 more annually for a family of four.

Florida

7.8 million people with pre-existing conditions, including:

- 4,086,000 women and girls
- 973,800 children
- 1,760,800 older people

Extra premiums because of Republican sabotage: \$2,860 more annually for a family of four.

Higher premiums because of age tax: A 60-year-old could be charged \$4,007 more annually in premiums.

Georgia

4.3 million people with pre-existing conditions, including:

- 2,230,000 women and girls
- 596,500 children
- 908,900 older people

Extra premiums because of Republican sabotage: \$4,010 more annually for a family of four.

Higher premiums because of age tax: A 60-year-old could be charged \$4,183 more annually in premiums.

Hawaii

593,000 people with pre-existing conditions, including:

- 289,000 women and girls
- 74,600 children
- 141,000 older people

Extra premiums because of Republican sabotage: \$3,120 more annually for a family of four.

Higher premiums because of age tax: A 60-year-old could be charged \$3,580 more annually in premiums.

Idaho

673,000 people with pre-existing conditions, including:

- 350,000 women and girls
- 103,200 children
- 154,700 older people

Extra premiums because of Republican sabotage: \$3,410 more annually for a family of four.

Higher premiums because of age tax: A 60-year-old could be charged \$3,706 more annually in premiums.

Illinois

5.5 million people with pre-existing conditions, including:

- 2,710,000 women and girls
- 707,400 children
- 1,272,600 older people

Extra premiums because of Republican sabotage: \$3,880 more annually for a family of four.

Higher premiums because of age tax: A 60-year-old could be charged \$4,597 more annually in premiums.

Indiana

2.7 million people with pre-existing conditions, including:

- 1,382,000 women and girls
- 377,100 children
- 643,800 older people

Extra premiums because of Republican sabotage: \$2,220 more annually for a family of four.

Higher premiums because of age tax: A 60-year-old could be charged \$2,916 more annually in premiums.

Iowa

1.3 million people with pre-existing conditions, including:

- 642,000 women and girls
- 174,100 children
- 319,100 older people

Extra premiums because of Republican sabotage: \$4,590 more annually for a family of four.

Higher premiums because of age tax: A 60-year-old could be charged \$4,407 more annually in premiums.

Kansas

1.2 million people with pre-existing conditions, including:

- 602,000 women and girls
- 172,400 children
- 282,800 older people

Extra premiums because of Republican sabotage: \$3,990 more annually for a family of four.

Higher premiums because of age tax: A 60-year-old could be charged \$3,869 more annually in premiums.

Kentucky

1.8 million people with pre-existing conditions, including:

- 907,000 women and girls
- 240,400 children
- 412,100 older people

Extra premiums because of Republican sabotage: \$3,220 more annually for a family of four.

Higher premiums because of age tax: A 60-year-old could be charged \$3,264 more annually in premiums.

Louisiana

1.9 million people with pre-existing conditions, including:

- 985,000 women and girls
- 266,600 children
- 433,200 older people

Extra premiums because of Republican sabotage: \$2,770 more annually for a family of four.

Higher premiums because of age tax: A 60-year-old could be charged \$4,493 more annually in premiums.

Maine

548,000 people with pre-existing conditions, including:

- 264,000 women and girls
- 61,200 children
- 153,600 older people

Extra premiums because of Republican sabotage: \$3,780 more annually for a family of four.

Higher premiums because of age tax: A 60-year-old could be charged \$4,128 more annually in premiums.

Maryland

2.6 million people with pre-existing conditions, including:

- 1,288,000 women and girls
- 320,700 children
- 607,800 older people

Extra premiums because of Republican sabotage: \$2,010 more annually for a family of four.

Higher premiums because of age tax: A 60-year-old could be charged \$3,252 more annually in premiums.

Massachusetts

2.9 million people with pre-existing conditions, including:

- 1,437,000 women and girls
- 331,600 children
- 698,000 older people

Michigan

4.1 million people with pre-existing conditions, including:

- 2,038,000 women and girls
- 527,600 children
- 1,024,000 older people

Extra premiums because of Republican sabotage: \$1,590 more annually for a family of four.

Higher premiums because of age tax: A 60-year-old could be charged \$3,357 more annually in premiums.

Minnesota

2.3 million people with pre-existing conditions, including:

- 1,154,000 women and girls
- 307,100 children
- 568,600 older people

Extra premiums because of Republican sabotage: \$1,840 more annually for a family of four.

Higher premiums because of age tax: A 60-year-old could be charged \$4,805 more annually in premiums.

Mississippi

1.2 million people with pre-existing conditions, including:

- 629,000 women and girls
- 173,700 children
- 262,200 older people

Extra premiums because of Republican sabotage: \$3,410 more annually for a family of four.

Higher premiums because of age tax: A 60-year-old could be charged \$3,314 more annually in premiums.

Missouri

2.5 million people with pre-existing conditions, including:

- 1,249,000 women and girls
- 332,300 children
- 599,300 older people

Extra premiums because of Republican sabotage: \$3,980 more annually for a family of four.

Higher premiums because of age tax: A 60-year-old could be charged \$4,554 more annually in premiums.

Montana

426,000 people with pre-existing conditions, including:

- 206,000 women and girls
- 54,000 children
- 116,400 older people

Extra premiums because of Republican sabotage: \$4,230 more annually for a family of four.

Higher premiums because of age tax: A 60-year-old could be charged \$4,888 more annually in premiums.

Nebraska

784,000 people with pre-existing conditions, including:

- 399,000 women and girls
- 112,400 children
- 185,500 older people

Extra premiums because of Republican sabotage: \$6,310 more annually for a family of four.

Higher premiums because of age tax: A 60-year-old could be charged \$6,011 more annually in premiums.

Nevada

1.2 million people with pre-existing conditions, including:

- 613,000 women and girls
- 158,900 children
- 269,500 older people

Extra premiums because of Republican sabotage: \$2,220 more annually for a family of four.

Higher premiums because of age tax: A 60-year-old could be charged \$4,334 more annually in premiums.

New Hampshire

572,000 people with pre-existing conditions, including:

- 269,000 women and girls
- 62,700 children
- 155,500 older people

Extra premiums because of Republican sabotage: \$3,790 more annually for a family of four.

Higher premiums because of age tax: A 60-year-old could be charged \$2,750 more annually in premiums.

New Jersey

3.8 million people with pre-existing conditions, including:

- 1,883,000 women and girls
- 477,000 children
- 914,500 older people

Higher premiums because of age tax: A 60-year-old could be charged \$3,612 more annually in premiums.

New Mexico

844,000 people with pre-existing conditions, including:

- 425,000 women and girls
- 118,900 children
- 203,000 older people

Extra premiums because of Republican sabotage: \$1,550 more annually for a family of four.

Higher premiums because of age tax: A 60-year-old could be charged \$3,122 more annually in premiums.

New York

8.4 million people with pre-existing conditions, including:

- 4,174,000 women and girls
- 1,006,000 children
- 1,948,200 older people

Extra premiums because of Republican sabotage: \$2,430 more annually for a family of four.

North Carolina

3.9 million people with pre-existing conditions, including:

- 2,122,000 women and girls
- 544,200 children
- 803,300 older people

Extra premiums because of Republican sabotage: \$4,550 more annually for a family of four.

Higher premiums because of age tax: A 60-year-old could be charged \$5,720 more annually in premiums.

North Dakota

316,000 people with pre-existing conditions, including:

- 154,000 women and girls
- 40,800 children
- 73,700 older people

Extra premiums because of Republican sabotage: \$3,140 more annually for a family of four.

Higher premiums because of age tax: A 60-year-old could be charged \$3,709 more annually in premiums.

Ohio

4.8 million people with pre-existing conditions, including:

- 2,392,000 women and girls
- 626,200 children
- 1,206,800 older people

Extra premiums because of Republican sabotage: \$2,210 more annually for a family of four.

Higher premiums because of age tax: A 60-year-old could be charged \$3,329 more annually in premiums.

Oklahoma

1.6 million people with pre-existing conditions, including:

- 808,000 women and girls
- 225,900 children
- 357,700 older people

Extra premiums because of Republican sabotage: \$5,010 more annually for a family of four.

Higher premiums because of age tax: A 60-year-old could be charged \$5,538 more annually in premiums.

Oregon

1.7 million people with pre-existing conditions, including:

- 838,000 women and girls
- 206,500 children
- 414,600 older people

Extra premiums because of Republican sabotage: \$1,440 more annually for a family of four.

Higher premiums because of age tax: A 60-year-old could be charged \$4,133 more annually in premiums.

Pennsylvania

5.3 million people with pre-existing conditions, including:

- 2,595,000 women and girls
- 642,700 children
- 1,359,900 older people

Extra premiums because of Republican sabotage: \$3,650 more annually for a family of four.

Higher premiums because of age tax: A 60-year-old could be charged \$3,917 more annually in premiums.

Rhode Island

444,000 people with pre-existing conditions, including:

- 218,000 women and girls
- 50,800 children
- 110,100 older people

Extra premiums because of Republican sabotage: \$2,620 more annually for a family of four.

Higher premiums because of age tax: A 60-year-old could be charged \$2,690 more annually in premiums.

South Carolina

2 million people with pre-existing conditions, including:

- 1,025,000 women and girls
- 259,600 children
- 468,300 older people

Extra premiums because of Republican sabotage: \$3,670 more annually for a family of four.

Higher premiums because of age tax: A 60-year-old could be charged \$4,027 more annually in premiums.

South Dakota

353,000 people with pre-existing conditions, including:

- 175,000 women and girls
- 50,000 children
- 87,400 older people

Extra premiums because of Republican sabotage: \$4,590 more annually for a family of four.

Higher premiums because of age tax: A 60-year-old could be charged \$4,735 more annually in premiums.

Tennessee

2.7 million people with a pre-existing conditions, including:

- 1,382,000 women and girls
- 355,200 children
- 630,100 older people

Extra premiums because of Republican sabotage: \$5,480 more annually for a family of four.

Higher premiums because of age tax: A 60-year-old could be charged \$5,404 more annually in premiums.

Texas

11.6 million people with pre-existing conditions, including:

- 6,069,000 women and girls
- 1,721,600 children
- 2,336,800 older people

Extra premiums because of Republican sabotage: \$3,660 more annually for a family of four.

Higher premiums because of age tax: A 60-year-old could be charged \$4,217 more annually in premiums.

Utah

1.2 million people with pre-existing conditions, including:

- 673,000 women and girls
- 218,300 children
- 221,100 older people

Extra premiums because of Republican sabotage: \$3,960 more annually for a family of four.

Higher premiums because of age tax: A 60-year-old could be charged \$4,214 more annually in premiums.

Vermont

263,000 people with pre-existing conditions, including:

- 125,000 women and girls
- 28,800 children
- 74,000 older people

Extra premiums because of Republican sabotage: \$4,360 more annually for a family of four.

Virginia

3.4 million people with pre-existing conditions, including:

- 1,783,000 women and girls
- 444,200 children
- 741,000 older people

Extra premiums because of Republican sabotage: \$4,260 more annually for a family of four.

Higher premiums because of age tax: A 60-year-old could be charged \$3,431 more annually in premiums.

Washington

3 million people with pre-existing conditions, including:

- 1,519,000 women and girls
- 385,100 children
- 710,000 older people

Extra premiums because of Republican sabotage: \$2,640 more annually for a family of four.

Higher premiums because of age tax: A 60-year-old could be charged \$2,498 more annually in premiums.

West Virginia

738,000 people with pre-existing conditions, including:

- 358,000 women and girls
- 90,600 children
- 188,500 older people

Extra premiums because of Republican sabotage: \$4,410 more annually for a family of four.

Higher premiums because of age tax: A 60-year-old could be charged \$4,886 more annually in premiums.

Wisconsin

2.4 million people with pre-existing conditions, including:

- 1,187,000 women and girls
- 308,100 children
- 616,900 older people

Extra premiums because of Republican sabotage: \$4,600 more annually for a family of four.

Higher premiums because of age tax: A 60-year-old could be charged \$3,854 more annually in premiums.

Wyoming

248,000 people with pre-existing conditions, including:

- 120,000 women and girls
- 33,100 children
- 63,600 older people

Extra premiums because of Republican sabotage: \$6,520 more annually for a family of four.

Higher premiums because of age tax: A 60-year-old could be charged \$5,230 more annually in premiums.

Appendix C: Roundup On Republican Bill That Would Gut Protections For People With Pre-Existing Conditions

Last week, 10 Senate Republicans falsely claimed they had a new bill that would ensure protections for people with pre-existing conditions in the Affordable Care Act [survive a Trump-GOP lawsuit to dismantle them](#).

In reality, the bill doesn't. In fact, it says that if you have a pre-existing condition like cancer, asthma, or diabetes, insurance companies can specifically refuse to cover the health care you need. As [The Hill](#) points out, "[...]the bill would allow insurers to exclude coverage of pre-existing conditions. Premiums could also vary based on age, gender, or occupation — all of which is currently prohibited under [the ACA]."

Here's a look at how it was covered in the press:

Michael Hiltzik for the Los Angeles Times: The GOP Claims Its Proposal Would Protect People With Pre-existing Conditions. That's A Lie. "What's most insidious about the Tillis proposal is that it authorizes such exclusions by omission. The Texas lawsuit does its damage by invalidating the provisions of the ACA that prohibit those exclusions; the Tillis bill simply fails to reinstate them...The Texas lawsuit places the health of those people in the individual market on a knife-edge. The lawsuit has been implicitly endorsed by the Trump administration, which decided in June not to defend the ACA against it and agreed with the plaintiff states that key provisions of the act are unconstitutional." [Los Angeles Times, Michael Hiltzik, [8/28/18](#)]

Vox: Republican Pre-existing Conditions Bill Contains "Gigantic Hole In The Protections That Republicans Say They Want To Preserve." "The Republican bill would continue to prohibit insurers from denying people coverage or charging them higher premiums based on their medical history, just as Obamacare does now. In that sense, the bill would preserve a guarantee of access to health insurance. But a closer read reveals a huge asterisk to that supposed guarantee. Legal scholars have pointed out that the Justice Department's argument would invalidate not only the prohibition on denying people insurance or charging them higher premiums based on their medical history, but also the federal rules that forbid plans from excluding coverage for preexisting conditions. In that case, even under this bill, insurers could be permitted to refuse to cover services related to a person's preexisting conditions. In other words, you would be guaranteed a health insurance plan — but that plan wouldn't have to cover the services you might need most." [Vox, [8/27/18](#)]

HuffPost: The GOP's New Pre-Existing Conditions Promise Is A Fraud. "It's what the bill doesn't say that makes the above mostly meaningless. Yes, insurance companies wouldn't be allowed to refuse to offer coverage to someone who, for example, has a history of cancer or is pregnant. But they could sell someone a policy that doesn't cover cancer treatments or the birth of a child. Sure, premiums wouldn't be allowed to vary based on health status or pre-existing conditions. But prices could dramatically vary based on age, gender, occupation and other factors, including hobbies, in ways that are functionally the same as basing them on medical histories. Insurance companies have a lot of experience figuring out that stuff. There's no need to speculate about how insurance companies would respond to this, because this is how the system worked for people who bought individual policies before the Affordable Care Act. Insurers don't make money paying claims; they make money by avoiding claims or refusing to pay them. If they're allowed to keep the most expensive people and treatments off their books, they will." [HuffPost, [8/24/18](#)]

McClatchy DC: Senate GOP Has A Plan To Save Pre-Existing Conditions Coverage. 'A Mirage,' Critics Say. "But the legislation, critics say, won't help those who need it the most. Skeptics maintain it re-creates a loophole for insurance companies to do the sorts of things that prodded lawmakers to adopt Obamacare in the first place. 'If the goal is to protect people with pre-existing conditions, the bill is a bit of a mirage,' said Larry Levitt, senior vice president for health reform at the Kaiser Family Foundation, a nonpartisan health care research group." [McClatchy DC, [8/24/18](#)]

Axios: "While Likely To Be Good Politics...GOP Bill Would Both Lower Premiums And Leave Sick People Less Protected Than They Currently Are." "While likely to be good politics heading into midterms, the GOP bill would both lower premiums and leave sick people less protected than they currently are...unlike under the ACA, insurers could exclude coverage of the services associated with pre-existing conditions." [Axios, [8/27/18](#)]

Daily Kos: Senate Republicans Introduce Sham Bill Pretending To 'Protect' Pre-Existing Condition Coverage. "To be clear, this isn't about actually protecting anybody's healthcare. It's about Republicans panicking over the fact that they've terrified voters with the lawsuit—backed by Trump's Justice Department—that would gut those protections. They're pretending like this bill would fix everything, should that challenge to the ACA prevail. But while they're calling their bill the 'Ensuring Coverage for Patients with Pre-Existing Conditions Act,' it comes up way short of that goal. Kaiser Family Foundation's Larry Levitt points out that while the bill says that people with pre-existing conditions have to be able to get coverage, there's a catch: *It doesn't require insurers to provide coverage for the pre-existing conditions.* So sure, maybe you have a heart condition and won't be shut out of coverage. You just won't have coverage for that condition!" [Daily Kos, [8/24/18](#)]

And here's what experts had to say:

Larry Levitt, Kaiser Family Foundation: Bill "A Mirage." "'If the goal is to protect people with pre-existing conditions, the bill is a bit of a mirage,' said Larry Levitt, senior vice president for health reform at the Kaiser Family Foundation, a nonpartisan health care research group... Under the bill, insurers could not decline coverage for people with pre-existing conditions, Levitt said, but it would allow insurers to exclude coverage for anything related to those conditions. 'You don't have to be real creative to imagine how this might work. These pre-existing condition exclusions were typical before the ACA.'" [Charlotte News & Observer, [8/24/18](#)]

Aisling McDonough, Senate Health Policy Adviser: "Let's Say You Have Cancer. Under This Bill, You Can Buy Health Insurance, But That Plan Doesn't Have To Cover Your Treatment." [Twitter, [8/24/18](#)]

Levitt: "The Big Loophole Is That It Would Allow Pre-Existing Condition Exclusions." "'It prohibits individual premiums from varying based on health, but allows them to vary based on age, gender, occupation, and leisure activities. It would allow premium variation based on health in the small business market,' Levitt said in an e-mail. 'The big loophole is that it would allow pre-existing condition exclusions, which were common in individual market plans before the ACA. An insurer would have to give you insurance if you have a pre-existing condition, but it could exclude any services associated with your pre-existing condition,' he said. 'This would make protections for people with pre-existing conditions a bit of a mirage.'" [Insurance Journal, [8/27/18](#)]

Levitt: Even Prescription Drug Coverage Could Be Denied. "Under the measure, insurers would still be able to refuse to cover certain services or prescription drugs for patients with pre-existing conditions, said Larry Levitt, a senior vice president for health reform at the nonpartisan Kaiser Family Foundation." [Roll Call, [8/24](#)]

Chris Sloan, Avalere Health: Bill Allows Insurance Companies To “Effectively Discriminate.” "Really this just prevents insurance companies from saying ‘no you can’t buy this coverage’ but this allows the opportunity to say no through price or through benefits... You can make a product so expensive based on medical history, based on gender, based on age, or based on not covering something that someone needs that they can’t afford — then you’ve effectively discriminated against them." [ThinkProgress, [8/24/18](#)]

So, let’s call this bill what it is:

“A mirage,” says Larry Levitt with the [Kaiser Family Foundation](#).

“An election season scam,” says [Protect Our Care](#).

“Shameful,” says [Health Care For America Now](#).

“A fraud,” writes [Jeffrey Young for the Huffington Post](#).