

Trump's latest healthcare plan doesn't have force of law or legislative details

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President Trump touted a new healthcare reform plan Thursday in the swing state of North Carolina, but what he laid out consisted mostly of executive orders that would lack the force of law.

Nor did he lay out a comprehensive proposal for legislation.

“Under the America First healthcare plan, we will ensure the highest standard of care anywhere in the world ... and true health security for you and your loved ones, and we will do it rapidly, and it's in very good order,” Trump said.

With the election just over a month away, Trump has not laid out a legislative plan to replace Obamacare. At the same time, his administration has sought to have the healthcare law struck down in court.

Such a ruling, though, would present a political problem for Trump because the protections for people with preexisting conditions contained in Obamacare have proven highly popular. Trump has sought to convince voters that the GOP would seek to maintain such protections.

Trump signed a series of executive orders aimed at preexisting conditions protections, as well as for ending surprise medical billing practices, at the campaign stop.

However, his executive orders excluded the legislative proposals and legal backing necessary to make such changes.

“Trump thinks a piece of paper, no more than a press release really, is all we need to protect preexisting conditions,” said Michael Cannon, director of health policy studies at the libertarian Cato Institute.

The issue has taken on renewed importance with the death of Supreme Court Justice Ruth Bader Ginsburg. Trump and GOP senators, including Majority Leader Mitch McConnell, announced hours after her passing that they would move forward with trying to fill the vacant seat on the bench, a move that would increase the possibility of a ruling against Obamacare. Arguments in the case to throw out Obamacare are set to begin in the Supreme Court on Nov. 10 with or without a Trump pick.

Health and Human Services Secretary Alex Azar told reporters Thursday that one of the executive orders would declare protections the law of the land “regardless of whether the Affordable Care Act is unconstitutional and its protections for preexisting conditions invalidated.”

Azar added, though, that Trump's executive order will not carry actual weight should the Supreme Court strike down Obamacare, telling reporters that it is a "defined statement of U.S. policy that people with preexisting conditions are protected."

Although the administration did not lay out a specific legislative plan, it did call for making premiums for health insurance tax-deductible, a reform long-sought by many conservatives.

Democrats bashed Trump's announcement as meaningless.

"President Trump's bogus executive order on preexisting conditions isn't worth the paper it's signed on," said House Speaker Nancy Pelosi. "It is an insult to every family with someone with a preexisting condition that President Trump thinks he can get away with this farce while he races a justice onto the Supreme Court to strike down the lifesaving protections enshrined into law by the Affordable Care Act."

One of Trump's orders aimed at eliminating surprise billing practices would direct HHS to work with Congress to pass legislation that would protect patients against surprise medical bills. If legislation is not passed by Jan. 1, HHS would have the authority to investigate executive and regulatory actions that Trump can take to enact patient protections.

"He's telling [Congress]: Get your act together, get something passed, or we'll be coming at it, and you'll get what you get from us," Azar added.

Exactly two months ago, Trump signed four healthcare executive orders aimed at lowering prescription drug prices, which the White House said would be in force in August. The orders will have to be translated into official rules by agencies and are not likely to be in place before the election.