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What Happens to Obamacare if Democrats Take the House?

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Democratic candidates in the 2018 midterm elections are campaigning on fixing Obamacare, but health policy consultants are skeptical that a Democrat-led House will do the job.

There will be a dramatic change in how Republicans address problems with the Affordable Care Act if Democrats take control of the House, the Cato Institute's Michael Cannon told Bloomberg Law. Cannon is the director of health policy studies at the Washington-based libertarian think tank.

Republicans are being blamed for everything that's wrong with the ACA right now, and they feel the need to do something about it, but that pressure will diminish if Democrats take the House, Cannon said. There will be an expectation from the Republican base that they resist anything Democrats try to do, including bolstering the ACA, he said.

Voters could be disappointed if a Democratic-controlled House fails to shore up Obamacare. And premiums could go up again, after dropping for the first time since the exchanges started in 2014.

There are ongoing problems with the ACA since it was implemented, including a sicker enrollee population than anticipated and uncertain payment mechanisms for providers. The ACA has been called unstable because premiums have been rising sharply over the past few years and insurers have been dropping out of the marketplace, leading to some areas of the country with only one insurer.

Push From Pelosi

"Democrats have made lowering Americans' health costs a top priority for a Democratic Congress, and a core part of that is fixing the cruel and costly damage that Republicans' ACA sabotage and destabilization effort has inflicted on insurance premiums across America," Henry Connelly, a spokesman for House Minority Leader Nancy Pelosi (D-Calif.), told Bloomberg Law.

The Democratic leaders from the three main House health-care committees introduced a bill (H.R. 5155) in March aimed at lowering premiums and reversing actions by the Trump administration on the ACA. These leaders would be the most likely to take control of their respective committees if the Democrats take the House.

Democrats are looking at the changes in premiums over the past two years, not just this most recent change, a House Democratic aide told Bloomberg Law.

But not all Democrats agree that stabilization is the way forward on health care. That means sending money to insurance companies, which would not be a good message for liberal Democrats in 2020. Robert Blendon told Bloomberg Law. Blendon is a health policy professor Harvard T.H. Chan School of Public Health.

“Following these elections, people want Democrats to be big and bold,” and the Democratic base is clamoring for Medicare for All, not something difficult to understand like stabilizing the ACA, Topher Spiro, vice president of health policy at the Center for American Progress, told Bloomberg Law. Spiro was a member of the Obama-era team that drafted the ACA.

Messaging

Republican campaign adviser Lanhee Chen echoed some of Spiro’s comments, expressing skepticism that House Democrats would send an Obamacare bill to the Senate because the concept is difficult to understand.

Democrats are going to be focusing on their messaging ahead of the 2020 presidential elections, and stabilization of the ACA isn’t good messaging, said Chen, a fellow at the Hoover Institution and former adviser on four Republican presidential campaigns.

If the ACA market is falling apart, House Democrats would likely try to pass a bill, Blendon said. Democrats can’t afford to have it look like a bill to stabilize the ACA is failing because Republicans would run on that in 2020.

Democrats would have six to eight months after the midterms to pass complicated legislation like this, said Blendon. The public doesn’t have long-term memories, so Democrats wouldn’t need to worry about the messaging of the bill until after 2019.

It could be better for Democrats to preserve this issue for the 2020 campaign, Thomas Miller, a fellow at the American Enterprise Institute, told Bloomberg Law.

What’s Next?

Democrats expect to hold more oversight hearings featuring members of the Trump administration if they take control of the House. Those hearings would include looking at how and why the administration came to the decisions that led to increases in premiums over the past two years, the House Democratic aide said.

Cannon said the administration might face pressure to shore up Obamacare as well. Right now President Donald Trump and Health and Human Services Secretary Alex Azar are taking a victory lap because premiums went down, so they would get blamed if premiums rise again.

The Senate is already amenable to fixing problems with the ACA, as shown by the compromise framework reached by Sens. Lamar Alexander (R-Tenn.) and Patty Murray (D-Wash.) in October 2017.