

Hemophilia Council of California
Advocacy & Policy Webinar

What the Election Means for Your Healthcare



*Moderated by:
Lynne Kinst,
HCC Executive Director*

HCC's 2020
Advocacy &
Policy
Webinar
Series



SANOBI GENZYME 

Our Speaker



Johanna Gray –

Principal with Artemis Lobbying Group – a boutique lobbying firm in Washington DC and Federal Policy Advisor to the National Hemophilia Foundation

Washington Update

Johanna Gray
NHF Federal Policy Advisor
November 19, 2020



NATIONAL HEMOPHILIA FOUNDATION
for all bleeding disorders

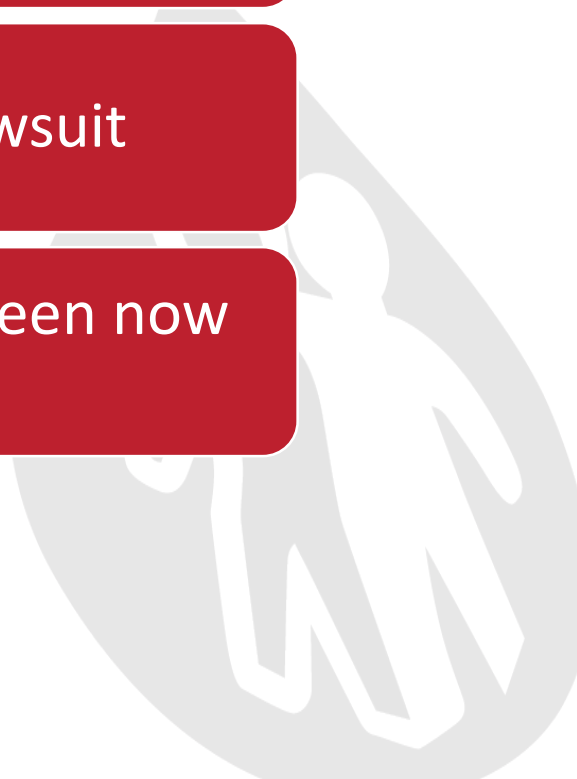


Agenda

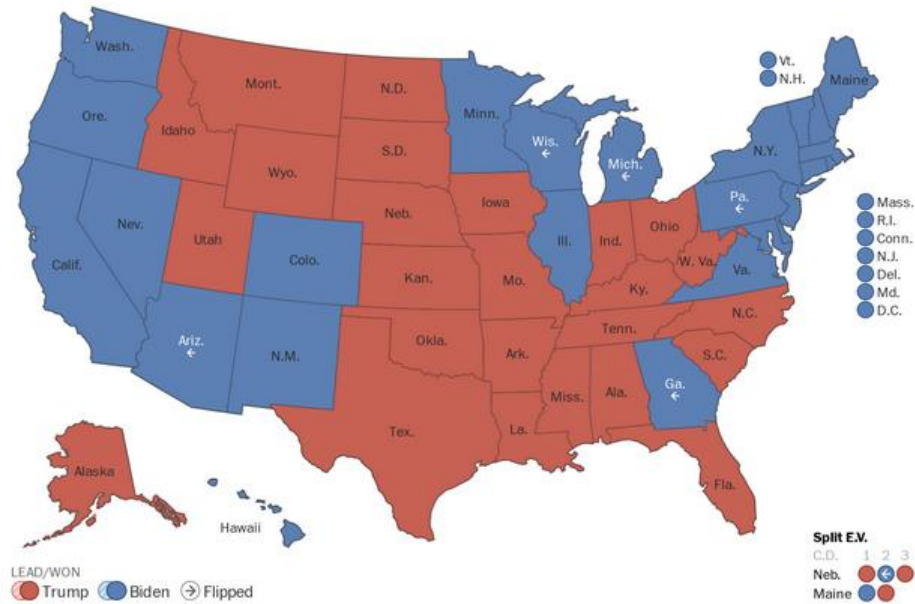
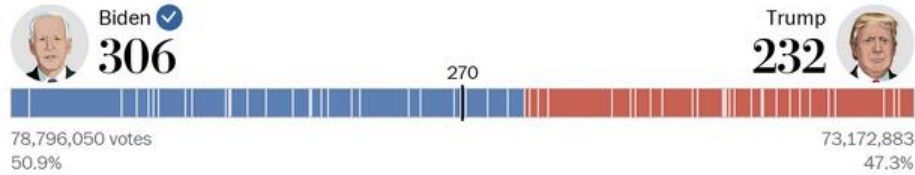
Overview of 2020 Election Results and Implications for Bleeding Disorders Priorities in 2021

Update on the Affordable Care Act Lawsuit

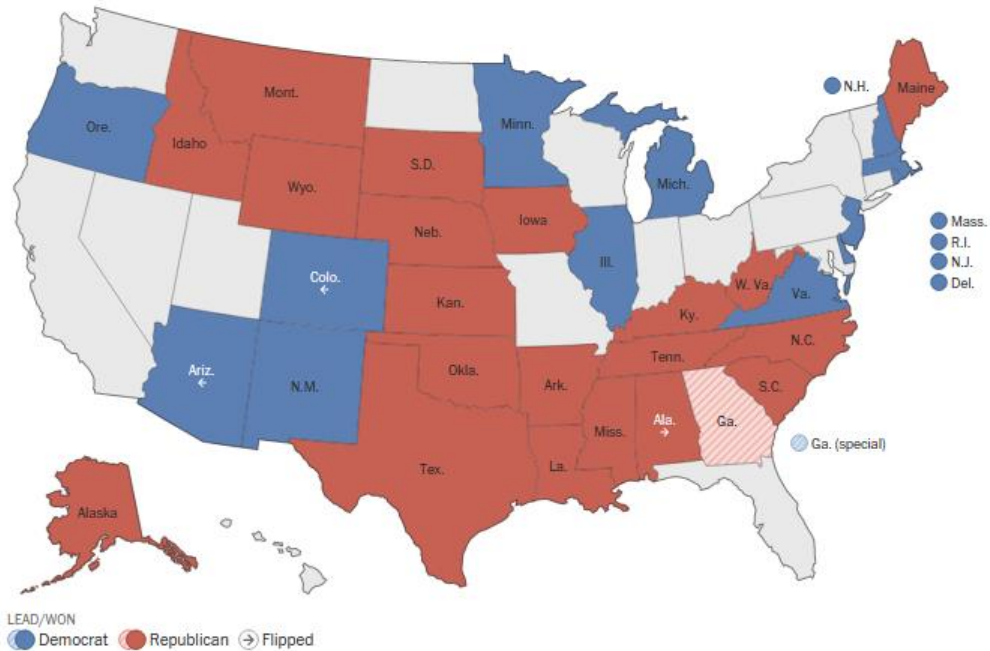
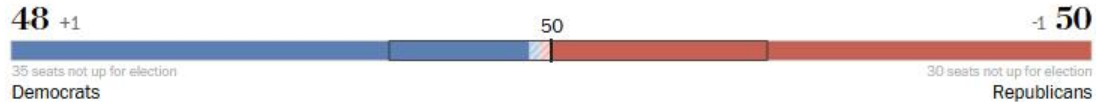
Lame Duck Session – What happens between now and then?



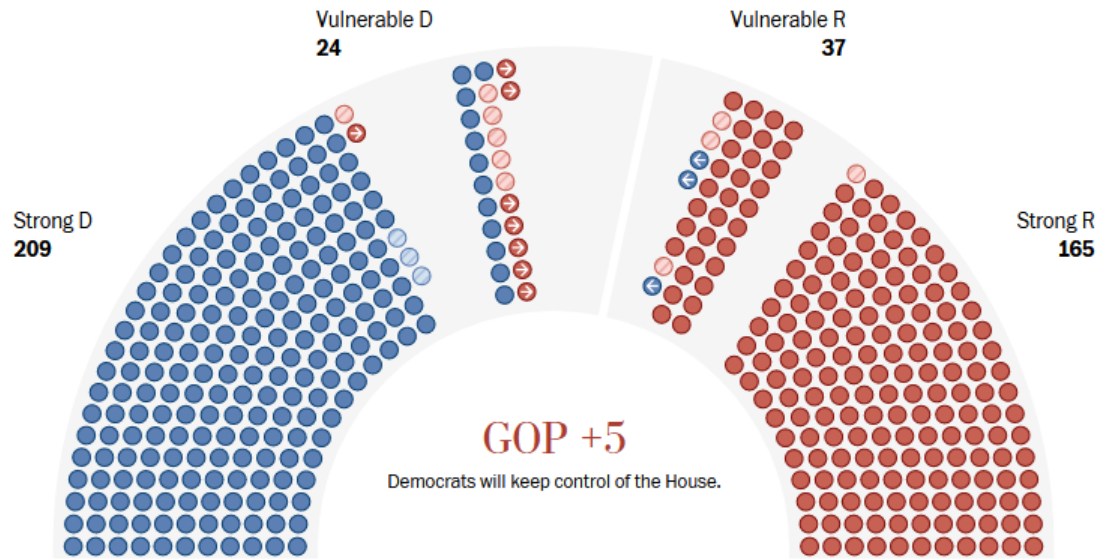
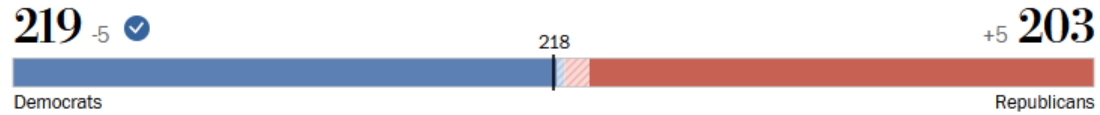
Election 2020 – President



Election 2020 – US Senate

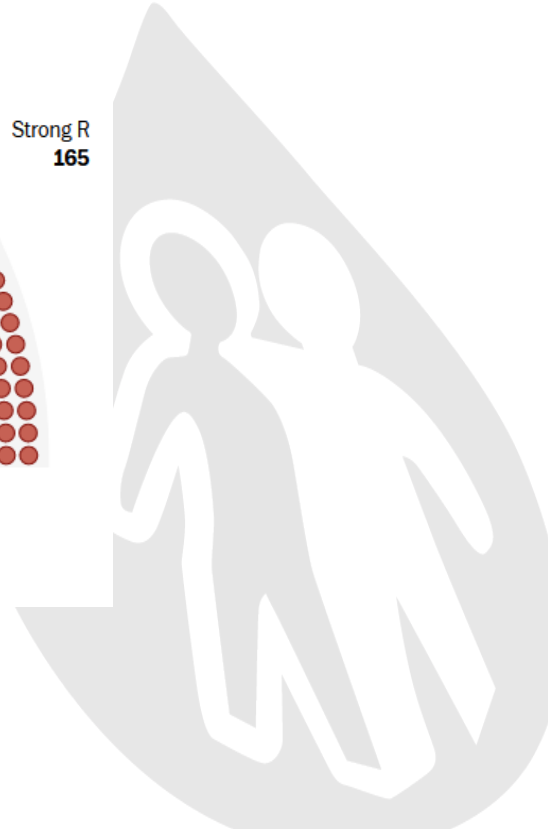


Election 2020 – US House



LEAD/WON
● Democrat ● Republican → Flipped

Note: Seat colors won't indicate a lead for a candidate until an estimated 35 percent of the vote has been reported there.



Implications for Bleeding Disorders Priorities

- Divided government → difficult to enact large changes
- Biden Administration
 - Likely to act on ACA regulations within first 100 days
 - New Cabinet officials and transition policies to be announced in coming weeks – effects on Congress?
- Congress
 - New Committee Chairs = new priorities?
- Our advocacy will be maintained!



<https://www.hemophilia.org/sites/default/files/article/documents/100-Days-Agenda-Final.pdf>

Timeline of ACA Lawsuits

ACA signed into law and first lawsuits filed

2010

In *King v. Burwell*, SCOTUS rules that premium tax credits and subsidies are ok in states with federally-facilitated marketplaces

2012

In *NFIB v. Sebelius*, SCOTUS finds individual mandate is legal as a tax and that the Medicaid expansion must be optional

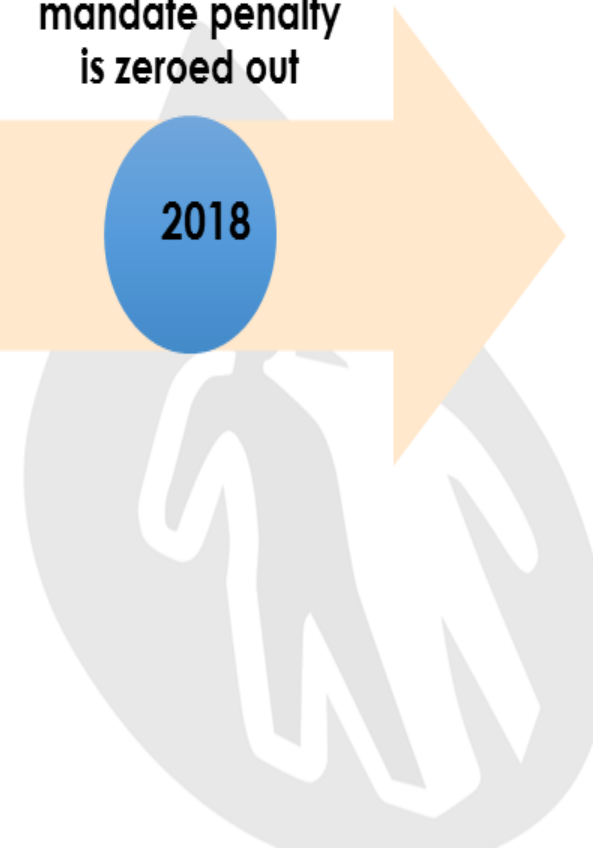
2014

Congress removes individual mandate penalty in tax reform law

2017

20 state attorneys general file *Texas vs. United States* lawsuit challenging ACA since individual mandate penalty is zeroed out

2018



Stages of the Lawsuit

Step 1 – Case Filed in Texas

- Trump Administration declines to defend the law
- December 2018: Judge rules that entire ACA is unconstitutional but issued a stay so law stands during appeals

Step 2 – Fifth Circuit Court of Appeals

- December 2019: Court rules individual mandate is unconstitutional since the penalty no longer “produces at least some revenue”
- Sends case back to lower court rather than deciding whether rest of ACA must be struck down

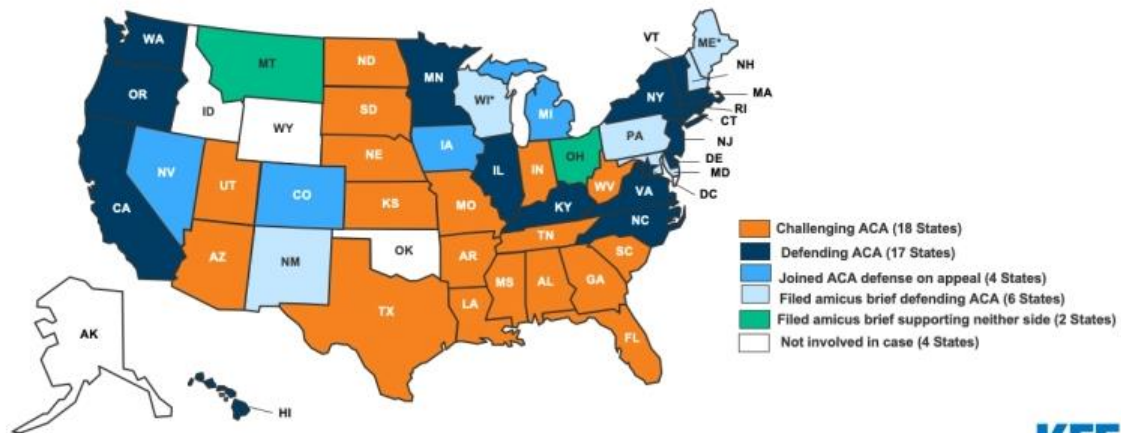
Step 3 – US Supreme Court

- Democratic AGs filed appeal to SCOTUS rather than going back to lower court. Case now called California vs. Texas.
- Oral argument held on November 10, 2020

States and the Lawsuit

Figure 1

States' positions in *California v. Texas* at the Supreme Court



NOTE: * = ME and WI initially challenged the ACA but subsequently withdrew from the lawsuit



Figure 1: States' positions in *California v. Texas* at the Supreme Court

What Might Happen?

- Main legal questions relate to standing and severability
 - Standing – Have the original people in Texas who filed suit been harmed? Do any intervening states have standing?
 - Severability – If individual mandate is now unconstitutional, how much of the rest of ACA would also have to go?



- How do policymakers respond?

Most Important Things to Remember...

- **The ACA is the law until it isn't anymore!**
 - Ruling likely not until spring or June 2021 – nothing changes until then (at least)
- Many families likely to change insurance this year – **keep an eye on open enrollment dates**
 - Nov 1-Dec 15 for ACA marketplaces
 - Oct 15-Dec 7 for Medicare
 - Variable for employer plans but often around now
- **Advocacy to protect access to insurance will continue!**



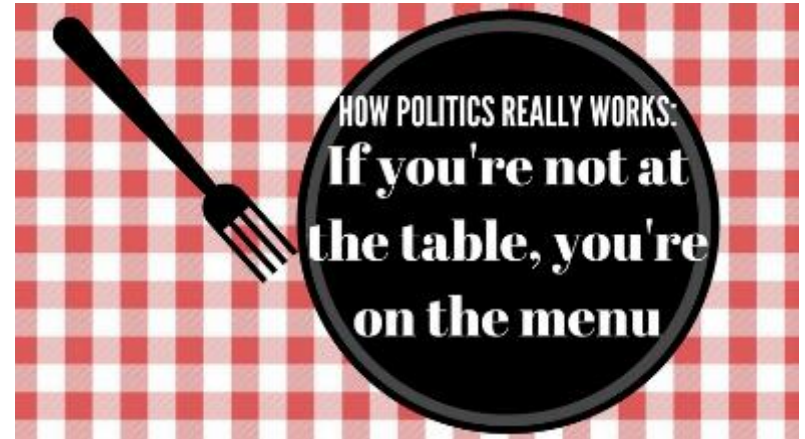
Lame Duck Policymaking

- Federal funding bill needed by December 11
 - Continuing resolution vs. omnibus
- Other big packages?
 - COVID relief?
 - Medicare policies as SNF bill vehicle
- More Trump Administration executive orders (EOs) / Implementation of existing EOs?
- The Covid-19 public health emergency expires on Jan 20 aka inauguration day!



Questions?

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- Ellen Riker
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 - 202-800-7072



Use **chat** or **unmute** (*6) to ask your questions.

Mark Your Calendar

Upcoming Events -



January 13th (Noon) –

State of the State Webinar

February 10th (Noon) –

What is Lobbying? Advocacy 101 Webinar

March 3-5th –

NHF Virtual Washington Days

March 10th (Noon) –

How to Tell Your Story Workshop

April 12th (Noon & 6 PM) –

Advocacy Day Orientation Webinar

April 14th –

California Virtual Legislative Day

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ANNOUNCEMENT!**

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Thank you for joining us!

A recording and slides will be available in a few weeks at

<http://www.hemophiliaca.org/programs/webinars/>

NEED HELP? Contact Lynne Kinst at (916) 572-7771 or lkinst@hemophiliaca.org