



## **EDPMA News Alert:**

# **Senate Republican Leadership Releases New Repeal/Replace Bill**

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Today the Senate Republican Leadership released [a new version](#) of its Better Care Reconciliation Act (the Senate's repeal/replace bill). The Republican Senate Leadership can only afford to lose the vote of two Republican senators or the bill is expected to fail. Ten Republican senators opposed the previous version of the bill. Senator Rand Paul has indicated that he will not support a motion to consider the new version because it does not do enough to repeal the Affordable Care Act (ACA). Senator Susan Collins said she also would oppose the motion to proceed if Medicaid cuts remain the same as in the old version.

This new version reportedly includes a number of modifications, including:

- it no longer repeals two ACA taxes on high earners: a 3.8% tax on net investment income and a 0.9% Medicare tax on those earning over \$200,000 per year,
- it no longer repeals an ACA limit on the size of a tax break for health insurance executives,
- it increases funding to fight the opioid crisis (additional \$45 billion),
- it increases funding for state-based reforms to drive down health costs for consumers (such as cost-sharing and Health Savings Accounts)(additional \$70 billion to the previous \$112 billion),
- It allows tax credits for individuals who purchase certain low-deductible catastrophic plans,
- it changes the formula for calculating DSH payments from per Medicaid enrollee to per uninsured,
- it permits Medicaid waivers to address caring for the aged, blind, and disabled populations,

- if there is a public health emergency in a region of a state, Medicaid expenditures will not count toward Medicaid per capita caps or block grant allocations, and
- it includes the Cruz amendment allowing for "skimpy plans" which is further described below.

The Congressional Budget Office (CBO) is expected to score the financial impact of this bill early next week. Among other things, we will learn whether a proposal by Senator Cruz can be included under Budget Reconciliation procedures. That Cruz-Lee proposal would allow insurers to offer plans on the exchange that do not comply with the ACA plan requirements if they offer at least one plan that does comply. Opponents, including consumer groups and insurance companies, argue this provision would create two markets: one for those with preexisting conditions and a separate market for healthy people. The ACA plans would function as a high risk pool and premiums would significantly increase for those with serious and chronic conditions.

Soon after the bill is scored, the Senate Republican Leadership hopes to move to consider the bill. It is unclear whether such a motion would pass. If it does, this new version -- with perhaps additional changes - will likely to be offered. There is still an opportunity for additional modifications. If the bill does not move forward, many conservative groups and the President have encouraged the leadership to repeal the ACA now and replace it later. There is also talk of working with the Democrats on a bipartisan approach.

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