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It has been a busy week in Washington. The Congressional Budget Office released its report on the Better Care Reconciliation Act ("BCRA"), the Senate's version of "repeal and replace" legislation. Unfortunately for Republican leadership, the report estimated that, if enacted, 22 million Americans would lose health insurance coverage by 2026. This report, along with conflicting opinions within the party, forced Senate Majority Leader Mitch McConnell to delay a vote on the legislation until sometime after the July 4th recess.

In order to pass BCRA, 50 of the 52 Republican Senators must be in favor of it. At last count, at least 9 senators have stated they would vote against BCRA in its current form. The opposition is from both the Conservatives, who believe the bill does not go far enough to repeal and replace the ACA, and more moderate Republicans who are concerned about the number of Americans losing coverage.

Prior to withdrawing the legislation, the current draft was updated to include a 6-month waiting period for coverage purchased in the individual insurance market when an applicant has more than a 62-day break in coverage during the prior 12-months. The law also requires carriers (and presumably sponsors of a group health plan) to provide documentation of prior coverage in order to offset any waiting period.

Reports are that McConnell is looking to further revise the current draft legislation and send it back to CBO for a new score. It is unclear what revisions the Leader is looking to make and how that may affect the vote tally. Further, any bill (if passed) will need to be reconciled with House legislation and pass that chamber before it can be signed by the President.

We will continue to monitor and report developments.