

January 28, 2021

President Takes Executive Actions Aimed at Expanding Health Care Coverage

Actions Relate to Medicaid, the Health Insurance Marketplaces, and Other Private Market Coverage

President Biden today signed an [executive order](#) (EO) aimed at increasing enrollment in comprehensive health care coverage. The order specifically focuses on improving the quality of coverage and removing barriers to enrollment in Medicaid and the Health Insurance Marketplaces.

In general, the EO directs the Secretaries of the Treasury, Labor, and Health and Human Services (HHS), as well as the heads of all other executive departments and agencies with authorities and responsibilities related to Medicaid and the Affordable Care Act (ACA) to evaluate and propose changes to existing policies that may thwart enrollment in coverage. However, in one concrete action, the President directed HHS to consider opening a new special enrollment period (SEP) for the Health Insurance Marketplaces, specifically to assist uninsured individuals and families to access coverage as part of the nation's response to the public health crisis.

AHA Take: In a statement, AHA President and CEO Rick Pollack said, "Every American deserves access to health coverage, yet millions remain uninsured. We simply need to do better in addressing this basic human need, particularly during a global pandemic. By reopening enrollment in the Health Insurance Marketplaces, the Biden administration is helping more Americans get and stay covered."

For more information and reactions to the EO, see the [news release](#) from Get Covered 2021, of which the AHA is a member. The non-partisan coalition works to bring together Americans to promote and expand the tools that exist today to prevent the spread of COVID-19 and expand coverage. **Highlights of the executive action follow.**

Health Insurance Marketplace Special Enrollment Period. This EO directs HHS to consider establishing a SEP in states that rely on the federally facilitated marketplaces, in light of the COVID-19 pandemic. This SEP will be open to "uninsured and under-insured individuals" to gain coverage. Separate SEPs are still available for individuals who have other qualifying life events, such as losing health insurance coverage or moving. More than 30 million individuals are currently uninsured and could gain access to coverage during this SEP, including nearly 9 million eligible for free or subsidized coverage.¹

In a separate [press release](#), the Centers for Medicare and Medicaid Services (CMS) announced that this SEP will be available from Feb. 15, 2021 through May 15, 2021 for the 36 states that rely on the healthcare.gov platform, and encouraged states operating their own marketplaces to establish similar SEPs for consumers in those states. The agency also announced its intent to conduct outreach and enrollment activities to ensure consumers are aware of the SEP and assist them with enrollment. CMS plans to spend \$50 million on outreach activities, which will include both paid advertisement and direct outreach to consumers. Consumers interested in enrolling through this or existing SEPs can do so through healthcare.gov, the marketplace call center, or direct enrollment channels.

Medicaid. This EO directs HHS to evaluate all existing regulations, policies and guidance to ensure current policies do not thwart the intent of the Medicaid program to enroll all eligible individuals and families. Specifically, HHS must review and consider demonstrations and waivers that may present unnecessary barriers to individuals and families attempting to access Medicaid. The White House fact sheet accompanying the EO specially referenced a review of Medicaid work requirement demonstrations. HHS also is instructed to review enrollment policies that may reduce coverage or otherwise undermine the Medicaid program. HHS is directed to conduct this review and act on any rescissions or propose any policy or regulatory changes as soon as practicable.

Private Market Coverage Standards. This EO directs the agencies and departments to reconsider policies that may have resulted in the degradation of private insurance coverage. Specifically, the EO requires the agencies to review and consider whether to suspend, revise, or rescind policies or practices that:

- Undermine protections for people with pre-existing conditions;
- Undermine the health insurances marketplaces or the individual, small group, or large group health insurance markets;
- Present barriers to individuals or families accessing coverage; or
- Reduce the affordability of coverage or financial assistance.

Policies put forth by the prior Administration that may be implicated in this review include expanded access to certain forms of coverage that were not required to offer comprehensive benefits or cost-sharing protections, such as health sharing ministries and short-term limited duration coverage products, and lack of support for outreach and enrollment efforts.

Revocation of Previous Executive Orders. This EO also revoked several 2017 EOs that promoted the repeal of the ACA or were intended to undermine the ACA's implementation.

FURTHER QUESTIONS

If you have questions, please contact AHA at 800-424-4301.