

Preparing for/Responding to: Repeal/Repair/Replace Environment February 10, 2017

Chris Jennings

President, Jennings Policy Strategies

ccj@jenningsps.com (202) 879 9344

Undeniable Threat of Health Care Changes/Disruption

Budget resolution for ACA repeal (January 2017)



Trump ACA repeal Executive Order (January 2017)



Reconciliation ACA repeal/repair/Medicaid cap? (Spring-Summer)



CHIP reauthorization/restructuring (approx July 2017?)



Tax reform/health revenues/Medicaid? (July 2017?)



Comprehensive or “one-off” replacement policies (2017/2018?)
(to supplement anything Congress passes in Spring)



Environmental Assessment

- Party-wide election pledge to repeal/replace ACA; (can't ignore)
- Conflicting WH/Congressional messages that expose divisions/consequences around goals, policy and process/timing.
- ACA repeal/repair/replace could be one or multiple rounds of major, potentially disruptive reforms, BUT:
- Other priorities interact w/debate (e.g. tax reforms, CHIP, SCOTUS confirmation, infrastructure investments, etc.)
- Regardless, Medicaid inevitably “piggy bank” for numbers to work – just math– unless willing to live with large deficit increase
- And major health care Executive/Administrative actions are certain

Break out of Expansion States

State Name	Governor	Republican Senators	Republican House Members Out of Total
Alaska	Bill Walker (I)	2 (Murkowski, Sullivan)	1 out of 1
Arizona	Doug Ducey (R)	2 (McCain, Flake)	5 out of 9
Arkansas	Asa Hutchinson (R)	2 (Boozman, Cotton)	4 out of 4
California	Jerry Brown (D)	0	14 out of 53
Colorado	John Hickenlooper (D)	1 (Gardner)	4 out of 7
Connecticut	Dan Malloy (D)	0	0 out of 5
Delaware	John Carney (D)	0	0 out of 1
Hawaii	David Ige (D)	0	0 out of 2
Illinois	Bruce Rauner (R)	0	7 out of 18
Indiana	Eric Holcomb (R)	1 (Young)	7 out of 9
Iowa	Terry Branstad (R)	2 (Grassley, Ernst)	3 out of 4
Kentucky	Matt Bevin (R)	2 (McConnell, Paul)	5 out of 6
Louisiana	John Bel Edwards (D)	2 (Cassidy, Kennedy)	5 out of 6
Maryland	Larry Hogan (R)	0	1 out of 8
Massachusetts	Charlie Baker (R)	0	0 out of 9
Michigan	Rick Snyder (R)	0	9 out of 14
Minnesota	Mark Dayton (D)	0	3 out of 8
Montana	Steve Bullock (D)	1 (Daines)	1 out of 1
Nevada	Brian Sandoval (R)	1 (Heller)	1 out of 4
New Hampshire	Chris Sununu (R)	0	0 out of 2
New Jersey	Chris Christie (R)	0	5 out of 12
New Mexico	Susana Martinez (R)	0	1 out of 3
New York	Andrew Cuomo (D)	0	9 out of 27
North Dakota	Doug Burgum (R)	1 (Hoeven)	1 out of 1
Ohio	John Kasich (R)	1 (Portman)	12 out of 16
Oregon	Kate Brown (D)	0	1 out of 5
Pennsylvania	Tom Wolf (D)	1 (Toomey)	13 out of 18
Rhode Island	Gina Raimondo (D)	0	0 out of 2
Vermont	Phil Scott (R)	0	0 out of 1
Washington	Jay Inslee (D)	0	4 out of 10
West Virginia	Jim Justice (D)	1 (Capito)	3 out of 3
Total	16 plus 1 R leaning Ind.	20 (38%)	119 out of 269 (44%)

Challenges Facing Funders

- Initial perception that immediate repeal was certain; should preserve our dollars for aftermath
- Now, uncertain how to respond to rapidly changing environment
- Lack of coordination between laudable organizations requesting support AND fear of wasteful, duplicative spending
- Lack of understanding of what investments would be value add
- Desire to be more relevant with stakeholders and question whether advocacy groups can secure

Challenges Facing Grantees

- Likely reduction in federal grant and research support
- Fear that major foundation(s) are withdrawing from coverage debate all together OR conversely only focusing on coverage
- Allocating excessive time/resources to respond to funders desire for better organization (with little funding to help achieve)
- Insatiable demand from Congressional, state and media for timely, relevant, credible information
- Rapidly changing environment requires evolving/credible products
- Changing public and Congressional opinion/environment requires expensive ongoing polling/focus group/advertising/social media investment

Investment Priorities: Overview

- Analytics
- Advocacy
- Legal/litigation support
- Communications/messaging
- Stakeholder outreach
- Metrics and cross-cutting organizational support

Analytics Sampling

- Block grant and per-capita cap impact analysis by state
- Impact of large savings on other popular state programs e.g. education and nurse family partnership
- Detailed policy impact analysis by population and state for:
 - ✓ Near elderly, elderly, "old old" elderly
 - ✓ People with disabilities
 - ✓ Children
 - ✓ Other key pops. (women, children, veterans, minorities etc.)
 - ✓ Rural, middle class, etc.
- Other important analysis: economic, job, hospital and other stakeholder impact

Advocacy Sampling

- Relevant and timely analytics that are population specific (income, age etc.), state specific, issue specific (pre-existing condition, opioid, rural etc.)
- Mobilization of affected “people” constituencies children, seniors, people with disabilities etc.
- Vetted, “real life” stories that are particularly compelling (working populations, near elderly, business starters etc.)
- Paid/earned media
- Support for state based activity (e.g. rapid response, ongoing capacity and staff building etc.)
- Direct funds for 501c3 and c4 activities at federal and state level
- Organization across different entities key

Legal/Litigation Support Sampling

Challenging legislative and in particular executive branch overreach:

- Dedicated staff to coordinate:
 - ✓ Developing overall strategy
 - ✓ Responding to emerging events
 - ✓ Ensuring appropriate cooperation/collaboration amongst diverse legal teams
- Provide substantive analytical expertise to help make case on impacted ACA provisions
- Preparing complaints on top-tier risks for immediate filing
- Identifying potential plaintiffs
- Covering court costs, printing, and other litigation expenses

Communications/Messaging Sampling

- Quantitative and qualitative focus groups and polling to understand public perceptions and effective messaging
- Direct advertising buys to educate Congress and public
- Use social media to engage and expand audiences and bring messages directly to user platforms for recruitment, petition efforts and events
- Amplifying real life stories through targeting, vetting, and helping message impactful cases

Stakeholder Outreach

- Brand consumer groups (AARP, Cancer, Diabetes, Heart etc.)
- Hospitals
- Physicians, nurses and other health care providers
- Health plans/insurers
- Other key populations (children's groups, women, people with disabilities, minorities etc.)

Case Examples of Key Stakeholder Concerns/Priorities

AARP/Senior Groups

- Medicare restructuring/beneficiary cuts
- Medicaid cuts: block grants/per-capita policy that caps/shifts/cuts
- Age rating changes that expand to 5:1
- Pre-existing condition protections v. continuous coverage v. high risk pools

Foundation Response: Creative analysis that empowers AARP and other brand organizations on a wide array of policies that could increase beneficiary cost and undermine access/quality

Case Examples of Key Stakeholder Concerns/Priorities Cont.

Children's Groups

- Medicaid cuts and flexibility reforms that undermine benefit/access protections
- CHIP reauthorization getting caught up in politics/process of ACA repeal/repair:
 - ✓ Delaying legislative action
 - ✓ Limiting number of years of authorization and/or
 - ✓ Eliminating/reducing financing protections (MOE and the “bump”)
- Reduction in funding and/or attention for delivery reforms that improve “health”

Foundation Response: Additional impact analysis on coverage/care for children, for parents, for access to needed services and for delivery reforms that are population specific; polling/focus group to illustrate popularity

Case Examples of Key Stakeholder Concerns/Priorities Cont.

Hospitals

- Ongoing Medicare cuts with decreases in insured population
- Increasing uncompensated care from increasing uninsured
- High deductible plans that create compensation challenges
- Medicaid block grants/per-capita policy that caps/shifts/cuts

Foundation Response: Creatively documenting— at state and local specific levels— impact of uninsured increases, Medicaid cap policy and high deductible policies on providers

Strategically collaborate to convey impact of these policies

Case Examples of Key Stakeholder Concerns/Priorities Cont.

Insurers/Health Plans

- Keeping cost sharing subsidies
- Securing reinsurance/high risk pools/continuous coverage (to moderate selection problems)
- Repealing health insurance tax
- Securing administrative and age-rating changes (to address perception of enrollment gaming/selection problems)

Foundation Response: Impact analysis and support/oppose as needed

Case Examples of Key Stakeholder Concerns/Priorities Cont.

State and Local

- Medicaid policies that cap/shift/cut federal matching dollars to states
- Flexibility that allows for creative and innovative delivery reforms and even benefit designs
- HHS/CMS/CMMI funding for innovative state/local health demos being threatened by limits on discretionary funding/ACA reforms

Foundation Response: Impact analysis on how reductions in funding impact coverage, cost shifting, jobs, economies, and innovations with great potential for improved care and reduced cost growth

Metrics and Cross-Cutting Organization

Metrics

- Contacts with key decision-makers (both quantity and quality)
- Engagement of key stakeholders, not just consumer advocates
- Earned media: e.g., news stories, op-ed (quantity and quality)
- Public engagement increasing in terms of numbers at events
- Assessment of movement towards a bipartisan approach that protects policy priorities

Organizational

- Need additional staff to streamline coordination and buy-in of disparate grantees
- Need better coordination between these national and state groups as well as amongst individual state groups
- Need better coordination of overall messaging, analytical, and advocacy strategy and work