

United States Senate

WASHINGTON, DC 20510-4804

COMMITTEES
APPROPRIATIONS
ARMED SERVICES
ENERGY AND NATURAL RESOURCES
VETERANS' AFFAIRS

January 14, 2020

Dear Member of the West Virginia Legislature,

As you begin the 2020 Legislative Session, I urge you to remember the 800,000 West Virginians living with a pre-existing condition and the 150,000 West Virginians who gained healthcare coverage through Medicaid expansion. Their ability to access affordable healthcare literally hangs in the balance as the courts continue to review *Texas v Azar*. Make no mistake, if the Republican Attorneys General prosecuting the case succeed, they will repeal the entirety of the Patient Protection and Affordable Care Act (ACA) and once again allow insurance companies to play God, deciding who can and who cannot access affordable health insurance. All those truly concerned about protecting people with pre-existing conditions should urge West Virginia to immediately withdraw from this dangerous, partisan lawsuit and start working on real solutions.

I have never said that the ACA is perfect, but instead of a full repeal, we can fix it. That's why I introduced the *Premium Reduction Act of 2019*. This legislation would increase the affordability of health insurance in the individual market by supporting and expanding state-based reinsurance programs that have been proven to lower premiums and save consumers money.¹ This is a common-sense bipartisan proposal that would continue all of the ACAs existing protections, continue federal subsidies to West Virginia, and lower premiums.

What we should not do is blow a \$1 billion hole in the state budget while giving West Virginians with pre-existing conditions fewer protections than they already have. That's exactly what the *West Virginia Healthcare Continuity Act* would do. It fails to account for over \$1 billion in federal funding West Virginia receives annually.²³ The "patient protection pool" this bill would create would be meaningless if the ACA is repealed, since no alternative funding mechanism has been provided. Prior to the ACA, state efforts to require insurers to cover people with preexisting conditions resulted in large premium spikes and, in some cases, caused insurers to exit the market. The ACA's premium subsidies have had a critical stabilizing effect. If the ACA is overturned, states will have a hard time restoring them with state dollars. Patients will see costs rise and their choices diminish. Additionally, any state regulation of insurance plans will not protect roughly 61 percent of people with federal health plans.

For generations, our state has done the heavy lifting to power our economy, and our people have done the backbreaking work asked of them. But it has taken its toll. More West Virginians under the age of 65 have a pre-existing condition than in any other state in the union⁴. That means that nowhere will feel the impacts of these policy changes more than West Virginia, and that is why no one should be working harder than us to get this right. We need to protect and repair the ACA, not pass half measures that will harm our families.

¹ <https://avalere.com/press-releases/state-run-reinsurance-programs-reduce-aca-premiums-by-19-9-on-average>

² <https://www.cms.gov/sites/default/files/2018-11/11-28-2018%20Effectuated%20Enrollment%20Table.pdf>

³ <https://www.medicaid.gov/medicaid/finance/state-expenditure-reporting/expenditure-reports/index.html>

⁴ <https://www.kff.org/health-reform/press-release/nearly-54-million-americans-have-pre-existing-conditions-that-would-make-them-uninsurable-in-the-individual-market-without-the-aca/>

Thank you for your dedicated and committed service to West Virginia. I look forward to working with you to continue to improve the lives of the people we have the honor to serve and represent.

Sincerely,

A handwritten signature in blue ink, appearing to read "Joe Manchin III". The signature is fluid and cursive, with a large initial "J" and "M".

Joe Manchin III
United States Senator