

Balderas opposes Trump effort to sabotage the Affordable Care Act

Written by Staff Reports
Friday, 09 March 2018 09:29



ALBUQUERQUE – Attorney General Hector Balderas, part of a coalition of 17 attorneys general, filed comments March 6 opposing the Trump Department of Labor’s Proposed Rule, which seeks to expand the criteria for forming association health plans (AHPs) in order to evade the consumer protections enshrined in the Affordable Care Act (ACA) and sabotage the ACA. AHPs have a long history of fraud, mismanagement, and abuse, with millions in unpaid claims for policyholders and providers, often leading to consumer bankruptcies.

“President Trump is directly threatening the health of hundreds of thousands of New Mexico children, parents and senior citizens with his reckless rule,” Balderas said. “The President himself admitted that this is just an attempt to sabotage the Affordable Care Act. All New Mexicans deserve access to quality, affordable health care and we will continue to stand up to President Trump to protect that access.”

Trump himself cited the sabotage of the ACA as the clear purpose of the Proposed Rule, stating while signing the order that he was “taking crucial steps towards saving the American people from the nightmare of Obamacare,” and tweeting the following day that “ObamaCare is a broken mess. Piece by piece we will now begin the process of giving America the great HealthCare it deserves!”

Over the last few decades, Congress has legislated – including through the ACA – to protect health care consumers from AHPs’ fraudulent conduct. The Proposed Rule would undo critical consumer protections and unduly expand access to AHPs without sufficient justification or consideration of the consequences.

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The attorneys general caution that projections forecast that the Proposed Rule, if finalized, would lead to several million enrollees shifting out of the ACA's individual and small group markets into AHPs with far fewer health benefits and that the Proposed Rule would increase premiums for those remaining in the individual ACA market.

State attorneys general have extensive experience protecting individuals and small employers from predatory entities that seek to defraud or deceive customers through the use of AHPs.

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