By Kathryn S. Beard, J.D.

The chair and ranking member of the Senate Committee on Health, Education, Labor & Pensions announced a short-term legislative deal to stabilize the individual health insurance market and provide states with more flexibility implementing the Patient Protection and Affordable Care Act (ACA) (P.L. 111-148). Sens. Lamar Alexander (R-Tenn) and Patty Murray (D-Wash), who last month participated in four hearings on possible solutions for some of the problems states, insurers, and patients have experienced with ACA implementation (see Bipartisan ACA-fix hearings underway, September 13, 2017), are optimistic about the chances of passing this fix into law.

No proposed legislative text has been published yet, and Murray said that the "last details" of the agreement are still being worked on. The broad deal includes two years of funding for cost-sharing reduction (CSR) payments to insurers, bringing stability to the individual marketplace after President Trump announced last week that his administration would no longer make the monthly payments. It would also expand Section 1332 State Innovation Waivers, and introduce a new low-cost, high-deductible plan level, "Copper," for all individuals on the exchange.

Sen. John McCain (R-Ariz), whose pleas for a return to the normal legislative process were part of his opposition to the summer’s rushed attempts to repeal portions of the ACA (see McCain's thumbs down vote defeats ACA 'skinny bill' repeal, July 28, 2017), called the deal a "critical step" toward "regular order," and announced his support of the bill. The House of Representatives is currently in recess, and Speaker Paul Ryan (R-Wisc) has not commented on the deal. Some Republican members of Congress, however, will continue to oppose any bill that does not fulfill campaign promises to repeal the ACA, including this bipartisan deal.