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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 476 Session of  
2017

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INTRODUCED BY FRANKEL, DEAN, STURLA, SCHLOSSBERG, CALTAGIRONE,  
DERMODY, O'BRIEN, DONATUCCI, ROEBUCK, SIMS, D. MILLER,  
FREEMAN, DALEY, KINSEY, McCARTER, KIM, BULLOCK AND McCLINTON,  
FEBRUARY 13, 2017

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REFERRED TO COMMITTEE ON HEALTH, FEBRUARY 13, 2017

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AN ACT

1 Establishing the Affordable Care Act Repeal Study Commission;  
2 and providing for its powers and duties.

3 The General Assembly of the Commonwealth of Pennsylvania  
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Affordable  
7 Care Act Repeal Study Commission Act.

8 Section 2. Legislative findings.

9 The General Assembly finds and declares that:

10 (1) The repeal of the Patient Protection and Affordable  
11 Care Act (Public Law 111-148, 124 Stat. 119) without a  
12 comparable replacement plan will significantly increase the  
13 number of people without health insurance across the United  
14 States.

15 (2) According to the Kaiser Family Foundation, an  
16 estimated 52 million Americans have pre-existing conditions  
17 that would have made them uninsurable prior to the passage of

1 the Affordable Care Act.

2 (3) The Congressional Budget Office (CBO) estimates that  
3 repealing the Affordable Care Act's individual mandate while  
4 leaving market reforms in place will increase the number of  
5 uninsured individuals by 18 million in the first full year  
6 after repeal.

7 (4) This increase in the number of uninsured individuals  
8 rises to 27 million after elimination of the Affordable Care  
9 Act's Medicaid expansion and subsidies, ultimately reaching  
10 32 million individuals by 2026.

11 (5) Premiums in the nongroup market would increase up to  
12 25% by the first year following the repeal when compared to  
13 current law and would double by 2026 after marketplace  
14 subsidies are eliminated.

15 (6) CBO finds that nearly 60 million people under 65  
16 years of age could be uninsured in 2026 if the Affordable  
17 Care Act is repealed, compared with 28 million currently  
18 without insurance.

19 (7) The American Hospital Association recently found  
20 that repealing the Medicaid expansion, premium tax credits,  
21 cost-sharing subsidies and penalties under the Affordable  
22 Care Act would result in a \$165.8 billion loss in hospital  
23 net income over the 2018 to 2026 period, which could hurt  
24 rural hospitals particularly hard.

25 (8) In this Commonwealth, over 400,000 residents  
26 purchased insurance through the federal insurance marketplace  
27 in 2016 and approximately 700,000 have signed up for Medicaid  
28 expansion under the Affordable Care Act.

29 (9) In the first year of the Commonwealth's Medicaid  
30 expansion, over 60,000 newly eligible enrollees accessed

1 essential drug and alcohol treatment.

2 (10) The Commonwealth's uninsured rate has dropped from  
3 10.2% in 2010 to 6.4% in 2015.

4 (11) It is only prudent for the Commonwealth to study  
5 and create a plan to mitigate any negative effects resulting  
6 from full or partial repeal of the Affordable Care Act,  
7 address economic impacts, help save lives and protect public  
8 health by suggesting and implementing solutions to a  
9 potentially broad-scale loss of health care coverage.

10 Section 3. Definitions.

11 The following words and phrases when used in this act shall  
12 have the meanings given to them in this section unless the  
13 context clearly indicates otherwise:

14 "Affordable Care Act." The Patient Protection and Affordable  
15 Care Act (Public Law 111-148, 124 Stat. 119).

16 "Commission." The Affordable Care Act Repeal Study  
17 Commission established under this act.

18 Section 4. The Affordable Care Act Repeal Study Commission.

19 (a) Establishment.--The Affordable Care Act Repeal Study  
20 Commission is established to study and make recommendations to  
21 the General Assembly and the Governor with respect to full or  
22 partial repeal of the Affordable Care Act and its overall effect  
23 on this Commonwealth.

24 (b) Membership.--The commission shall consist of the  
25 following members:

26 (1) The Secretary of Health or a designee.

27 (2) The Secretary of Human Services or a designee.

28 (3) The Secretary of the Budget or a designee.

29 (4) The Insurance Commissioner or a designee.

30 (5) The Director of the Independent Fiscal Office or a

1 designee.

2 (6) Two members appointed by the Governor within 25 days  
3 of the effective date of this section, with knowledge and  
4 experience in health care finance, hospital administration,  
5 insurance markets, health care delivery systems or consumer  
6 advocacy.

7 (7) Eight legislative members appointed within 25 days  
8 of the effective date of this section as follows:

9 (i) Two individuals appointed by the President pro  
10 tempore of the Senate.

11 (ii) Two individuals appointed by the Minority  
12 Leader of the Senate.

13 (iii) Two individuals appointed by the Speaker of  
14 the House of Representatives.

15 (iv) Two individuals appointed by the Minority  
16 Leader of the House of Representatives.

17 (c) Chairperson.--The commission shall appoint a member to  
18 serve as chairperson.

19 (d) Quorum.--The physical presence of eight members shall  
20 constitute a quorum of the commission.

21 (e) Majority vote required.--Action of the commission shall  
22 be authorized or ratified by majority vote of its members.

23 (f) Meetings.--

24 (1) The commission shall hold its first meeting within  
25 45 days of the effective date of this section, regardless of  
26 the status of the appointments.

27 (2) The commission shall hold meetings as necessary but  
28 no fewer than six times.

29 (g) Public hearings.--

30 (1) The commission shall hold public hearings as

1 necessary to obtain the information required to issue its  
2 report.

3 (2) A member who is not physically present may  
4 participate by teleconference or video conference.

5 (h) Compensation prohibited.--Members of the commission  
6 shall not receive compensation, but shall be reimbursed for  
7 reasonable and necessary expenses incurred in their service on  
8 the commission.

9 (i) Intergovernmental cooperation.--The General Assembly, in  
10 cooperation with the Department of Health, the Insurance  
11 Department, the Department of Human Services, the Office of the  
12 Budget and the Independent Fiscal Office, shall provide  
13 administrative support, relevant information or other assistance  
14 as needed to the commission.

15 (j) Expiration.--The commission shall expire upon release of  
16 the report identified in section 5.  
17 Section 5. Report.

18 (a) Duty to issue.--Within six months of the commission's  
19 first meeting, the commission shall issue a report.

20 (b) Content.--The report shall include, but not be limited  
21 to:

22 (1) An assessment of the current and potential effects  
23 of any health care coverage loss associated with full or  
24 partial repeal of the Affordable Care Act on the residents,  
25 public health and economy of this Commonwealth, including  
26 what impact repeal would have on individuals accessing drug  
27 treatment programs.

28 (2) An estimate of the possible financial costs and  
29 other adverse effects to this Commonwealth, its residents and  
30 health care providers associated with full or partial repeal

1 of the Affordable Care Act.

2 (3) An examination of measures that might prevent or  
3 mitigate the effects of full or partial repeal of the  
4 Affordable Care Act and health care coverage losses on the  
5 residents, public health and economy of this Commonwealth.

6 (4) Recommendations for laws and regulations that may be  
7 warranted to minimize any adverse impacts of repealing the  
8 Affordable Care Act, in whole or in part, and recommendations  
9 that assist residents in obtaining and maintaining affordable  
10 health care coverage moving forward.

11 (5) An analysis of any pending alternative health care  
12 policies under consideration by the Congress of the United  
13 States and how they compare to the Affordable Care Act.

14 (c) Submission of report.--A copy of the report shall be  
15 submitted to the Governor, the General Assembly and the  
16 Congressional delegation from this Commonwealth.

17 (d) Publication of report.--The finished report shall be a  
18 public record under the act of February 14, 2008 (P.L.6, No.3),  
19 known as the Right-to-Know Law, and shall be adopted by the  
20 commission at a public meeting.

21 Section 6. Effective date.

22 This act shall take effect immediately.