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WHITE PAPER: Repealing Obamacare

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Problem:

The repeal of Obamacare is a Constitutional issue. Government does not belong in a free-market. Government interference in the housing market caused its collapse and government interference in the health insurance market is causing its collapse as well.

“In reality, the pre-existing condition problem is the result of government intervention — both pre-and post-Obamacare. Thanks to years of state and federal regulations promulgated by the government- sponsored monopoly on health care and health insurance, there is no market to take care of pre-existing conditions. Moreover, the lack of a national, portable insurance market untethered from government- induced employer-based insurance has prevented people from purchasing lifelong, portable plans when they are younger,” according to an [article by Daniel Horowitz](#)

The repeal of Obamacare is a promise issue. The President promised the American people he would repeal Obamacare, not give us what Mark Levin has coined “RINOcare”—Repeal In Name Only. The President is known for his “Art of the Deal.” After two tries, Paul Ryan gave him a bill he could “deal” with, if the Senate will pass it. This flawed bill has Senators deeply divided over Medicaid expansion and has resulted in lots of finger pointing generally in the direction of conservative Congressmen trying to help the President fulfill that promise. Once again, the old saying, “No good deed goes unpunished,” applies.

Low-income Americans—including many “uninsurable” with pre-existing conditions, the elderly, the disabled, and children— are suffering from a lack of insurance and outrageous unaffordable premiums. According to the Kaiser Family Foundation, thirty-two percent of all counties in the United States are down to one Obamacare exchange insurance plan and some don’t have any, creating a massive bottleneck stranding low-income consumers. Only half the people in America are on employer furnished insurance plans which leaves the other half adrift with thirty percent buying their own insurance and twenty percent on Medicaid expansion. To stop the suffering, we must resolve three big issues— mandates, the exchanges, and Medicaid expansion.

Solution:

The President must demand the repeal of the bill that Republicans and Speaker Ryan voted unanimously to support. They voted to repeal Obamacare, then they voted to fully fund it with the coverage mandates. Remember the flip-flop vote, “I was against it before I was for it.” Nevada’s entire federal delegation voted this way—even the Republicans. Find out how your Congressman voted by going to www.conservativereview.com

The coverage mandates make Obamacare unsustainable. The Freedom Caucus has given Paul Ryan the solutions and he argued for one during a press conference:

“For instance, risk pools, we believe the smarter way to help people with preexisting conditions get affordable coverage while bringing down the health care costs for everybody else is through re- insurance risk or risk- sharing pools which this bill supplied for the states.”

Democrats have confused the issue by combining Obamacare exchanges and Medicaid expansion. The exchanges have failed and only 16 1/2 states (Utah is half exchange) and Washington DC have exchanges. Thirty-one states have expanded Medicaid and are facing budget pressure. Congress needs to separate the issues and repeal Obamacare. By repealing Obamacare now with an effective date before the end of 2017, there will

be time for Congress to pass new legislation that addresses real healthcare reform, especially if they don’t recess in August.

After repeal, they should use the manager's amendment attached to the repeal-and-replace bill and give states the authority to mandate that "non-disabled, non-elderly, [and] non-pregnant" individuals enrolled in Medicaid engage "work activities." States should deny Medicaid to the able bodied. Medicaid is primarily designed for the indigent, elderly, the disabled, and children. Able-bodied adults should be working and have market-based insurance. A study by the Foundation for Government Accountability found that 82.4 percent of the expansion population is comprised of able-bodied, working-age adults with no children. States receive an average of 57 percent federal funding for pre-expansion Medicaid. States are given a huge financial incentive to favor able-bodied adults over the truly needy. Welfare reform in 1996 set the precedent of giving states the ability to create work requirements in the Temporary Assistance for Needy Families (TANF) cash-assistance program; those requirements can be expanded to other safety-net programs, such as Medicaid. According to most research, as a result of the passage of the 1996 Personal Responsibility and Work Opportunity Reconciliation Act, the number of people receiving TANF plummeted, employment among recipients increased, and poverty rates did not increase. New health care bills can bring down premiums so that all working people can afford to buy insurance.

Congress can then begin to work in the free-market for Americans with the following solutions: Some Freedom Caucus ideas waiting to be bills after Obamacare repeal include:

THE HEALTHCARE PROVIDER FREEDOM ACT: This Act reduces significantly the outrageous costs of medical malpractice insurance. The New Jersey legislature is now working on a bill that creates non-profit clinics to take a substantial workload from physicians who offer 16 hours a month of free service to the clinic; this Act should use this as a model for the entire nation. This Act also Removes AMA (American Medical Association) lobbyist-driven government restrictions on a second tier of health care providers such as Physician Assistants and Nurse Practitioners which provide quality basic healthcare at lower costs, thus allowing them to practice in the field up to the scope of their training and education without limitations. Further, this Act repeals the onerous red tape 1996 HIPAA regulations.

THE HOSPITAL FREEDOM ACT: The 1986 Emergency Medical Treatment and Labor Act (EMTALA), which forced hospitals and other health care providers to care for anyone who used the emergency room as their primary care regardless of ability to pay or acuteness of their condition, should be repealed.

CERTIFICATE OF NEED: Congress should also repeal AMA-driven CON (Certificate of Need) requirements in addition to regular licensing and FDA regulations to establish new hospitals.

THE AFFORDABLE DRUG ACT - Large pharmaceutical companies benefit from, and small companies are restricted by, the FDA approval process. The FDA approval process needs to be abandoned in favor of competitive third-party certification organizations that would compete against each other in offering alternative certifications for medicines. Make more drugs available over the counter such as cholesterol medication and contraception causing consumers to pay for more medicines out of pocket. Utilize electronic delivery on some services such as online issuance of prescriptions without in-person visits. Posting prices online encouraging patients to shop and transparency in healthcare services.

THE CITIZEN'S HEALTHCARE RIGHTS ACT - This Act: 1). removes state line restrictions for selling health insurance; 2). expands Health Savings Accounts (HSAs); 3). encourages young people to

purchase individual inexpensive rate insurance and keep it for life; and 4). converts Medicaid to vouchers for purchases in the private market. These are all supply-side reforms that lower consumer costs minimizing the need for a large Medicaid safety net. Creating risk-sharing pools to provide affordable coverage for pre-existing conditions is another free-market solution that puts healthcare back in the control of citizens where it belongs.

The Freedom Caucus voted “yes” for a compromise to a full repeal of Obamacare just to allow the President to work the Art of the Deal; it was the closet Obamacare-loving Republicans who voted “no.” RINOCare is still on the table. The 36 veteran “tea party” members of the Freedom Caucus, who make up less

than one-sixth of the House of Representatives held their noses and voted to pass the bill over to the Senate. The key for the Senate is to take what they received from the House and structure a replacement law which allows free-market forces to resolve the healthcare crisis.

The Warning:

The 2016 general election results were a mandate by the people to repeal Obamacare and relieve the suffering. In the Nevada November 2016 elections Republicans lost the legislative majority as a result of failure by Nevada Republicans to repeal Obamacare in Nevada when they had the opportunity. What happened in Nevada could very well happen in 2018 in Washington DC if Republicans fail to keep this promise. In Nevada, going well beyond a failure to repeal Obamacare, Republican legislators actually helped their Democrat colleagues attempt to pass a state constitutional requirement to fund Obamacare in Nevada and Medicaid for everyone.

A new constitutional conservative movement is needed in state and federal politics. One President can't do it alone. The problem for conservatives is competing with the well-funded Establishment. To be a force in the political field, conservatives must have early funding rather than begging for help the entire election cycle.