

TO: Assembly Committee on Health

FROM: Sara Finger, Executive Director, Wisconsin Alliance for Women's Health

RE: Testimony For Information Only Regarding AB 1 – Coverage of Individuals with Preexisting Conditions

January 15, 2019

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Chairman Sanfelippo and members of the Assembly Committee on Health, thank you for the opportunity to provide written testimony regarding AB1, which addresses coverage of individuals with preexisting conditions.

Our vision at the Wisconsin Alliance for Women's Health's (WAWH) is to ensure every Wisconsin woman – at every age and every stage of life – has the ability to reach her optimal health, safety and economic security. Paramount to achieving this aim, our organization has worked tirelessly over the past decade to develop, advance and implement the Affordable Care Act (ACA) to ensure the greatest number of women and girls have access to affordable, comprehensive healthcare.

Prior to the passage of the ACA, insurance companies were allowed to discriminate against women due to our unique health needs. Insurers could deny coverage to us if we'd been pregnant, had fought and survived cancer, or even if we'd suffered [domestic violence](#). In many cases, health plans didn't even cover [maternity care](#).

The gravity of what the loss of coverage for women and girls would look like, should ACA be repealed, makes it paramount that we speak out against our state supporting anything that could lead to reduced coverage.

It comes as no surprise that the first Assembly Bill for the 2019-20 Legislative session addresses coverage of preexisting medical conditions. Polling has consistently shown that this is an important issue for Wisconsinites worried about losing coverage if the ACA's comprehensive protections are overturned.

We can't lose sight of why Wisconsin is in a precarious position regarding coverage under the ACA. Under the direction of former Governor Scott Walker, Wisconsin joined a multi-state lawsuit to overturn the ACA. In December, a Texas District Court judge held that the ACA is unconstitutional in *Texas v. Azar*. As this case makes its way through the appeals process, the ACA remains the law of the land. If the ACA is overturned, then women could be denied coverage based on their medical history, their age, and their occupation, among other factors. As a result, women could be charged more, or priced out of the insurance market altogether. Insurance companies could also try to reinstate gender rating, a common pre-ACA practice in which insurance companies charged women higher premiums than they did men, even though other parts of the ACA [protect women from discrimination](#) in the health care system.

Wisconsin's voters spoke loud and clear in November by electing state-wide officials who campaigned on a promise to withdraw Wisconsin from the ACA lawsuit. In response, the Republican-led Legislature rejected the outcome of the November elections and voted to force the state to remain as plaintiffs in *Texas v. Azar*, threatening coverage for many Wisconsinites.

AB1 does not guarantee insurance for people with preexisting conditions in the same capacity as the ACA, nor does it address other very important issues of coverage -- including essential health benefit mandates such as maternal care. AB 1 does not address lifetime coverage limits, preventative care, consumer protections, or bar discrimination based on gender. Without the broader protections and subsidies of the ACA, AB1 does not protect enough people—and could actually lead to harmful unintended consequences, including higher costs.

Northern District of Texas Judge Reed O'Connor's December ruling didn't just put protections for preexisting conditions at risk, it attempts to throw out the entire law, including the subsidies that help Wisconsinites afford coverage. AB1 would not close the gap in coverage that will open up should ACA be repealed through the courts.

This Legislature is in a unique position to work to ensure that Wisconsinites continue to be covered and protected in an affordable and comprehensive manner. Rather than enact this inferior talking-point bill, the Assembly should instead focus on withdrawing Wisconsin from the lawsuit and join the numerous attorney generals seeking to uphold the ACA's framework. Such action would allow the Assembly to proudly take ownership for protecting coverage for Wisconsinites and would have the full support of the Wisconsin Alliance for Women's Health. AB1 is no substitute for the ACA.