

Jan. 10, 2019: Judicial Advocacy Update

Trump Administration rule would revive pre-existing condition discrimination

Physicians are all for increasing patient access to health care, but a U.S. Labor Department rule expanding association health plans (AHPs) will do the exact opposite, doctors tell a federal court in an amicus brief.

The Trump Administration's rule will undermine ACA reforms by depriving patients of essential care, allowing insurers to discriminate against individuals based on pre-existing health conditions, destabilizing the insurance markets and exposing patients to fraud, physicians told the court.

The AMA has long advocated for health insurance coverage for all Americans, as well as pluralism, freedom of choice, freedom of practice and universal access for patients.

"The AMA strongly believes that the progress in expanding meaningful coverage to millions of previously uninsured Americans during the past decade should be maintained, but the AHP rule would reverse these gains," said AMA President Barbara L. McAneny, MD. "The AMA supports vacating the AHP rule" and supports a lawsuit "seeking to preserve federal patient protections that provide a crucial check on the historic problems of underinsurance and unaffordable medical expenses."

The AMA strongly objected to the rule (PDF) on AHPs when it was proposed. Now the Litigation Center of the American Medical Association and State Medical Societies and the Medical Society of the State of New York (MSSNY) have joined forces to file a friend-of-the-court brief in *State of New York v. U.S. Dept. of Labor*. In the brief, they tell justices that that the rule is "unwise and unlawful."

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