



State of Wisconsin
Department of Employee Trust Funds
Robert J. Conlin
SECRETARY

801 W Badger Road
PO Box 7931
Madison WI 53707-7931
1-877-533-5020 (toll free)
Fax 608-267-4549
etf.wi.gov

Correspondence Memorandum

Date: January 23, 2017
To: Group Insurance Board
From: Tarna Hunter, Government Relations Director
Subject: Legislative Update

This memo is for informational purposes only. No Board action is required.

This memorandum provides information on legislative issues pertinent to the Group Insurance Board (Board).

Federal Legislation: Patient Protection and Affordable Care Act (ACA) Update
On January 20, 2017, shortly after being sworn in, President Trump signed the executive order, *Minimizing the Economic Burden of the Patient Protection and Affordable Care Act Pending Appeal*.

An executive order is an official document signed by the president that declares government policy and provides directives to government agencies and departments about how to operate in a certain area. An executive order is legally binding, but cannot reverse a law passed by Congress. Limited in scope, the reach of an executive order is not as extensive as legislation.

President Trump's executive order sets a broad policy direction with respect to the ACA by stating that it is administration policy to seek the repeal and replacement of the ACA. It also directs relevant agencies – Health and Human Services and the heads of other executive agencies and departments with authorities and responsibilities under the ACA – “to the maximum extent permitted by law” to:

- Exercise all authority and discretion available to them to waive, defer, grant exemptions from, or delay the implementation of any provision or requirement of the Act that would impose a fiscal burden on any State or a cost, fee, tax, penalty, or regulatory burden on individuals, families, healthcare providers, health insurers, patients, recipients of healthcare services, purchasers of health insurance, or makers of medical devices, products, or medications;

Reviewed and approved by Pam Henning, Assistant Deputy
Secretary

Pamela L. Henning

Electronically Signed: 1/27/17

Board	Mtg Date	Item #
GIB	2.8.17	10B

- Provide greater flexibility to States and cooperate with them in implementing healthcare programs; and
- Encourage the development of a free and open market in interstate commerce for the offering of healthcare services and health insurance, with the goal of achieving and preserving maximum options for patients and consumers.

Furthermore, the executive order states that agencies must comply with rule making laws and processes. Additionally, it does not affect the authority granted to executive departments or agencies, nor the functions of the Director of the Office of Management and Budget relating to budgetary, administrative or legislative proposals.

Finally, the executive order states:

- This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

As of this writing, the Department of Employee Trust Funds does not have clarity on what this executive order means or the impact it will have on the ACA. We will keep the Board updated as more information becomes available.

Staff will be at the February 8, 2017 board meeting to answer any questions.