

Policy Alert

June 23, 2017

The Better Care Reconciliation Act of 2017 vs. The American Health Care Act: Summary of Key Differences

Yesterday, Senate Republicans released a discussion draft of their proposal to repeal and replace the Affordable Care Act (ACA), titled the “Better Care Reconciliation Act of 2017” (BCRA). Beyond the title change, there are notable differences between the House-passed American Health Care Act (AHCA) and the Senate version, including a slower phase-out for the Medicaid expansion, retention of the ACA’s premium subsidy structure, somewhat reduced state waiver flexibility and delayed implementation of effective dates for certain ACA tax provisions.

The Congressional Budget Office is expected to release its cost estimate for the BCRA early next week, with Senate Majority Leader Mitch McConnell (R-KY) aiming for a floor vote before the July 4 recess week. Early resistance from a handful of both moderate and conservative senators (including Sens. Ted Cruz (R-TX), Rand Paul (R-KY) and Dean Heller (R-NV)) threatens the BCRA’s passage, but negotiations are ongoing, and additional changes are expected before the bill comes up for a vote.

Like the AHCA, the BCRA would not repeal the ACA in its entirety—partially due to conscious policy decisions, but also because of procedural limits within Senate Budget Reconciliation rules. For instance, both the AHCA and the BCRA would maintain some of the “popular” insurance market reforms in Title I of the ACA, such as rules requiring issuers to offer dependent coverage until age 26, prohibitions on annual and lifetime limits, and prohibition of discrimination based on race, nationality, disability or gender. Further, neither bill proposes changes to any Medicare provisions from Title III of the ACA, such as those implementing quality- and value-based provider payment reforms (many of which are budget neutral), the Center for Medicare and Medicaid Innovation, and provider rate cuts (repeal of which would add to the deficit outside of the 10-year budget window in violation of procedural rules).

Click [here](#) to read the full summary of how changes in the BCRA compare to the AHCA.

Contact Information

If you have any questions concerning this alert, please contact:

Martha M. Kendrick
Partner

mkendrick@akingump.com
202.887.4215
Washington, D.C.

Lauren O'Brien
Senior Policy Advisor

lauren.obrien@akingump.com
202.887.4046
Washington, D.C.

Maral Arslanian
Public Policy Specialist

marslanian@akingump.com
202.416.5528
Washington, D.C.

John F. Jonas
Partner

jjonas@akingump.com
202.887.4205
Washington, D.C.

Rachel Claire Kurzweil
Associate

rkurzweil@akingump.com
202.887.4253
Washington, D.C.

G. Hunter Bates
Partner

hbates@akingump.com
202.887.4147
Washington, D.C.

Beth Collins
Consultant

bcollins@akingump.com
202.887.4321
Washington, D.C.