

The American Health Care Act in the Senate

Question: What is the Likely Fate of the American Health Care Act in the Senate?

Answer: On May 4, the House of Representatives voted to pass the American Health Care Act (“AHCA”), intended to repeal and replace the Patient Protection and Affordable Care Act (“PPACA;” commonly known as “Obamacare”). The bill is now before the Senate, and passage appears unlikely. With Republican Senators voicing disagreement over the House bill, it appears unlikely the AHCA will pass the Senate. Under the reconciliation process, by which the bill is being marshalled through Congress, which requires only a simple majority vote for passage, at least 50 of the 52 Republican Senators must vote in favor of the bill for it to pass the Senate (if only 50 Republican Senators were to vote in favor of the bill, then the tie would be broken by Vice President Pence). However, there are disagreements in the Republican caucus regarding many aspects of the bill. For example, at least three Republican Senators have said they cannot support the bill’s elimination of funding to Planned Parenthood. Adding to the controversy, last week’s Congressional Budget Office report stated that repeal of the PPACA and passage of the AHCA would leave 23 million fewer people with health insurance by 2026. Although some commentators have opined that these numbers are inaccurate, as they grossly over-estimate the number of individuals who would be covered if the PPACA remained in force (the CBO estimates are based upon the supposition that 18 million people would be enrolled in the PPACA exchanges by 2018 and that this number would continue to rise – in fact, there are only approximately 11 million people currently enrolled in the exchanges, and that number has been trending down and not up), the 23 million figure has been widely reported in the media, and moderate Republican Senators fear being labeled as “heartless” if they support the bill. However, the bill also appeared dead at the time it was withdrawn from consideration in the House in March, only to be re-introduced and passed in early May.

Weekly Charting Tip: Do you have a personnel file on all of your employees? Do you regularly update your personnel file if an important event happens to with that employee? Are the results of your annual review with that employee recorded in the file? What about any corrective action prescribed for a shortcoming of that employee? If you want to avoid or be able to defend against various charges by “disgruntled former employees”, nothing will enable your defense more than a good, updated and accurate personnel file! Document, document, document!

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If you have any questions, please contact Kern Augustine, P.C. at 1-800-445-0954 or via email at info@DrLaw.com.



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