UNDER OBAMACARE, "KEEPING WHAT YOU HAVE" IS AS EASY AS...

I want to receive care from my Dr.

Am I covered?

GOVERNMENT COVERAGE

Defense
- CHAMPUS/TRICARE

OR

VA
- Veterans' health system

OR

CMS
- Medicare FFS or managed care plan

OR

CMS & my State
- Medicaid/CHIP
- Managed care plan OR Exchange

YES / NO

YES

PRIVATE COVERAGE

EMPLOYER SPONSORED INSURANCE

Does my employer offer me coverage? (YES / NO)

Is my ESI provided through the Exchange?

- Are my ESI premiums "unaffordable" (>9.5% MAGI)? § 1401
- Does my employer employ ≤ 100 workers? §§ 1304(b), 1312(f)
- Am I, or am I employed by, a member of Congress, and thus effectively excluded from the Federal Employee Health Benefit Plan? § 1312(d)
- Has my State permitted firms with >100 workers to enter the Exchange? §§ 1304(b), 1312(f)
- Am I one of the 10-12 million Americans whose employer dropped coverage due to this Act? CBO, 12/7/09

YES / NO

Has DHHS "grandfathered" in my small group market coverage? § 1251

Is my ESI offered outside the Exchange?

YES / NO

INDIVIDUAL MARKET INSURANCE (BEING PHASED OUT)

Can I afford individual market coverage with the help of a state high-risk pool?

Have I been enrolled continuously in individual market coverage since 3/23/10, i.e., is my plan "grandfathered" and able to be offered outside the Exchange? § 1251

Can I afford my "grandfathered" individual market coverage?

YES / NO

COVERAGE OPTIONS

COVERAGE REGULATIONS

Health plan must meet all federal coverage rules as set forth in this Act. §§ 1001-1255

Health plan must meet DHHS mandatory benefits standards.
Benefit Levels: Bronze, Silver, Gold, Platinum
§ 1302(d)

GOVERNMENT HEALTH BENEFIT EXCHANGE §§ 1311-12, 1321

Am I eligible for federal Exchange subsidies (MAGI=100-400% FPL)? § 1401

Does my employer get penalized for my subsidy, and has he paid that penalty? § 1513

Am I otherwise eligible for Exchange coverage?

Have I elected an Exchange plan or been auto-enrolled in one? §§ 1312, 1511

Can I afford non-Exchange ESI coverage?

Can I afford Exchange coverage?

INDIVIDUAL MARKET INSURANCE POLICY

EMPLOYER SPONSORED INSURANCE

Self-insured plan OR Fully insured plan

Has my insurance company paid the insurers tax, which increases my premiums? § 9010

ENROLLMENT STATUS

Does my plan "compl[y] with the regulations developed by the [DHHS] Secretary"? § 1301

Am I currently enrolled and paid up?

Have I been disenrolled for failing to pay my premiums?

Has DHHS penalized my State or Exchange, or barred my plan from participation, due to violations of law or regulations? §§ 1301, 1313

I'm uninsured.

I'm insured.

Do I fall into one of the categories of persons exempted from the individual mandate?

Have I paid the penalty for being uninsured? § 1501(b)

Have I provided proof that I'm insured to the IRS? § 1502

Ombudsman

I'm unable to receive care.

Can I file a grievance with my State Ombudsman? § 1002

I'm unable to receive care from my Dr.

FINANCIAL ACCESS

Do applicable rules permit my Dr. to accept cash from me?

Can I afford to pay the whole cost in cash?

Is my Dr. willing to treat me for free?

I'm able to receive care from my Dr.

Can I afford the premiums and cost-sharing?

Can I afford the higher cost-sharing due to the 40% high-cost plans tax and $2,500 FSA cap? §§ 9001, 9005

Can I afford the 3:1 community rating that increases premiums for the non-elderly? § 1201

Am I eligible for reduced cost-sharing of sufficient generosity? § 1402

Can I find a different Dr. or a clinic willing to treat me for free?

DOCTOR ACCESS

Does my plan restrict access to my Dr.?

Does my Dr. participate in my health plan, i.e., accept its reimbursement rates as payment in full?

IPAB

Does my Dr. treat Medicare patients despite the reimbursement rate cuts imposed by this Act and/or proposed by IPAB? § 3403

My Dr. is not in my health plan.

My Dr. is in my health plan.

TREATMENT ACCESS

Is the treatment I need covered by my health plan?

Does my plan deny coverage of the treatment due to PCORI-funded research? § 6301

PCORI

Is coverage of the treatment mandated by a DHHS regulation and/or by my State? §§ 1001-1304

Am I eligible for this service as determined by an electronic check with or without my "machine-readable [health] identification card"? § 1104

My treatment is not covered.

My treatment is covered.

CBO: Congressional Budget Office
CHIP: Children's Health Insurance Program
CHAMPUS: Civilian Health & Medical Program for Uniformed Services
CMS: Centers for Medicare and Medicaid Services
DHHS: Dept. of Health & Human Srvcs.
ESI: Employer sponsored insurance
FFS: Fee-for-service
FPL: Federal poverty level
FSA: Flexible Spending Arrangement
IPAB: Independent Payment Advisory Board
MAGI: Modified adjusted gross income
PCORI: Patient-Centered Outcomes Research Inst.
NAIC: Natl. Assn. of Insur. Commissioners

Start
Positive
Negative
Question
Current government agency/program
New government agency/program
New penalty/personal responsibility
Added by bill

Democrats' "Patient Protection & Affordable Care Act," PL 111-148 (3/23/10) as amended by PL 111-152 (3/30/10)
Prepared by: Joint Economic Committee, Republican Staff
http://jec.senate.gov/republicans