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Insurance Commissioners: Move to Suspend Risk Adjustment Payments Creates Instability

WASHINGTON—Insurance commissioners from California, Pennsylvania and Washington agreed the Trump administration's decision to at least temporarily suspend 2017 risk adjustment program payments designed to stabilize some health insurance markets will create more instability in those markets.

The Centers for Medicare and Medicaid Services made the announcement July 7 and insurers warned of market turmoil in a credit rating agency's review earlier, July 9, 2019. The CMS said it would suspend program payments and adjustments at least until a dispute over a New Mexico federal court ruling that invalidated the methodology used to calculate risk adjustment payments is resolved.

The program is intended to create an competition in health insurance marketplaces by creating funding sources from healthy individuals' risk pools to help cover the costs of higher-risk individuals.

Pennsylvania Insurance Commissioner Joni Akins told *BestWeek* the risk adjustment program suspension brings one more point of instability in a series of actions by the Trump administration and Congress that are undermining market functioning. "We don't know when the court is going to decide," he said. "We don't know what CMS will do depending upon what the court decides."

He said because the court case dealt with risk adjustment payments between the 2016-2018 plan years, it may be unlikely a case because in 2017 would much. However, he said it could impact decisions being made by insurers about whether they will participate in marketplaces and that that participation has led to "a lot of volatility" in the market.

He said the court case is in very different places than Pennsylvania's, so he isn't sure that time won't be wasted on the court.

California Insurance Commissioner Dave Jones said the decision to suspend payments for "another step to challenge the nation's health insurance market," he said the move could impact insurer willingness to sell policies in individual, small-group and community pools and self-funded plans.

"The Trump administration has chosen to respond to one court ruling in the way that will be most destructive to the insurance market across the nation and to American consumers," Jones said. "I urge the Trump administration to change course and quickly proceed to preserve the risk adjustment program in order to maintain the stability of the health insurance market."

Washington Insurance Commissioner Mike Kreitzer said the program suspension is the latest attempt by the Trump administration to undermine health care for millions of consumers nationwide, including those in the Washington state individual market. "Without this program, insurers might have taken on less risk in the market, especially in rural counties," he said. Kreitzer said the risk adjustment program suspension "is keeping another uncertain risk on consumers looking for health care."

Akins said the decision creates an unstable market atmosphere. "I've said for a long time that the best thing we can do to stabilize this market is to stabilize the rules that govern the market. Unfortunately, we're just not seeing that."

(By Thomas Horman, Washington Business Magazine, [BestWeek](http://www.bestweek.com) from www.bestweek.com)

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