

# Executive Order on Strengthening Medicaid and the Affordable Care Act (ACA)

SIGNED JAN. 28, 2021, AS A PART OF PRESIDENT BIDEN'S "10 DAYS OF PRESIDENTIAL ACTIONS"



**"It is the policy of my administration to protect and strengthen Medicaid and the ACA and to make high-quality health care accessible and affordable for every American."**



## "Special Enrollment Period" (SEP)

- Directs the HHS Secretary to consider existing authorities to establish a **SEP for uninsured and under-insured Americans** to seek coverage through the Federally Facilitated Marketplace
- **Note:** On Jan. 28, CMS [announced](#) a Feb. 15 - May 15 SEP for all eligible consumers (uninsured and currently enrolled members)



## "Revocation of Certain Presidential Actions and Review of Associated Agency"

- Revokes President Trump's "Minimizing the Economic Burden of the Patient Protection and Affordable Care Act Pending Repeal" and "Promoting Healthcare Choice and Competition Across the United States" executive orders
- Directs Agency Heads to identify Agency Actions related to the revoked executive orders and to **consider whether to suspend, revise, or rescind, and (as applicable) publish proposed rules to suspend, revise, or rescind the Agency Actions**



## "Immediate Review of Agency Action"

- Directs Agency Heads to review all Trump-era Agency Actions to **determine whether any of them are inconsistent with the policy of protecting and strengthening Medicaid and the ACA**. Agency Heads must review demonstrations, waivers, and policies that may reduce coverage or otherwise undermine Medicaid or the ACA, as well as policies or practices that may:
  - Undermine ACA protections for people with pre-existing conditions, including complications related to COVID-19
  - Undermine the Health Insurance Marketplace or the individual, small group, or large group markets for health insurance
  - Present unnecessary barriers to individuals and families attempting to access Medicaid or ACA coverage (including for midyear enrollment)
  - Reduce the affordability of coverage or financial assistance for coverage (including for dependents)
- Directs Agency Heads to consider **whether to suspend, revise, or rescind, and (as applicable) publish proposed rules to suspend, revise, or rescind the Agency Actions** inconsistent with the policy of protecting and strengthening Medicaid and the ACA
- Directs Agency Heads to consider whether to take additional Agency Actions to more fully enforce the policy of protecting and strengthening Medicaid and the ACA

*"Agency Actions" include existing regulations, orders, guidance documents, policies, and any other similar agency actions*

*"Agency Heads" include the HHS, Treasury, and Labor Secretaries and other heads of agencies and departments with authorities and responsibilities related to Medicaid and the ACA*