

**THE OFFICE OF THE GOVERNOR**

**EXECUTIVE DEPARTMENT  
STATE OF IDAHO  
BOISE**

**EXECUTIVE ORDER NO. 2018-02**

**RESTORING CHOICE IN HEALTH INSURANCE FOR IDAHOANS**

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*WHEREAS, the Patient Protection and Affordable Care Act, P.L. 111-148, 124 Stat.119 (2010), as amended by the Health Care and Education Reconciliation Act of 2010, P.L. 111-152,124 Stat. 1029 (2010) (“PPACA” or “Obamacare”) was signed into law on March 23, 2010; and*

*WHEREAS, I have always opposed the overreaching, intrusive nature of Obamacare and its infringement on Idahoans’ freedoms and the traditional prerogatives of the State on healthcare and insurance issues; and*

*WHEREAS, Obamacare provisions and subsequent rules make healthcare coverage more costly and more difficult to afford; and*

*WHEREAS, many of the provisions of Obamacare that supposedly were designed to stabilize the market either failed, were not funded or were inadequately managed by the Obama administration; and*

*WHEREAS, Idahoans continue to be faced with significant health insurance rate increases which are harmful to our citizens and are unsustainable; and*

*WHEREAS, these rate increases are driven by failures of the PPACA, which have disrupted risk pools and bifurcated the insurance market; and*

*WHEREAS, a sustainable risk pool attracts and retains an appropriate mix between younger and older Idahoans and between the healthy and those with illnesses; and*

*WHEREAS, the provisions and rules of the PPACA, combined with rising costs, are driving the young and the healthy away from the insurance market, which leads to higher rates and has forced the Idaho insurance pool and market in to a “death spiral”; and*

*WHEREAS, the Trump Administration showed its support for State-based solutions by issuing an Executive Order encouraging State flexibility and control in developing innovative and open healthcare programs; and*

*WHEREAS, Congress and the Trump Administration recently repealed the individual mandate penalty, allowing citizens to purchase plans without being penalized if those plans do not meet all the PPACA criteria; and*

*WHEREAS, the Trump Administration has taken executive action to increase healthcare options and reduce costs by requiring federal agencies to expand access to healthcare through small business health plans; and*

*WHEREAS, the State of Idaho has a continuing interest in implementing workable, realistic solutions to enhance access to affordable healthcare for all Idahoans; and*

*WHEREAS, the State of Idaho will continue to work with federal authorities to address problems with America’s healthcare system while retaining its power authority under the Tenth Amendment to pursue complementary Idaho remedies to pressing healthcare challenges;*

*NOW THEREFORE, I, C.L. “BUTCH” OTTER, Governor of the State of Idaho, by virtue of the authority vested in me under the Constitution and laws of the State of Idaho do hereby:*

1. Direct the Idaho Department of Insurance to seek creative options that encourage and permit health insurance carriers to offer health plans that expand access for Idahoans by providing benefits and plan designs to meet consumer needs at lower costs than those now available;
2. Direct the Idaho Department of Insurance to approve options that follow all State-based requirements, even if not all PPACA requirements are met, so long as the carrier offering the option also offers an exchange-certified alternative in Idaho; and
3. Authorize the Director of the Department of Insurance to seek a waiver from the U.S. Department of Health and Human Services in conjunction with this Executive Order if the Director believes it is appropriate or necessary.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this fifth day of January, in the year of our Lord two thousand and eighteen and of the Independence of the United States of America the two hundred forty-second and of the Statehood of Idaho the one hundred twenty-eighth.



C.L. "BUTCH" OTTER  
GOVERNOR

LAWRENCE DENNEY  
SECRETARY OF STATE

BRAD LITTLE  
LT. GOVERNOR