How the 2016 Election Results Might Affect Health Care

By Julian Walker

Manhattan business mogul Donald J. Trump shocked the political establishment by confounding pollsters and conventional wisdom as he rode a wave of anti-Washington sentiment to election as the 45th President of the United States. Trump and his running mate, Indiana Governor Mike Pence, defeated Democratic nominee Hillary Rodham Clinton (a former First Lady, U.S. Senator, and Secretary of State) and her running mate, U.S. Senator Tim Kaine of Virginia, by reshuffling the state electoral map and reclaiming states such as Florida, Iowa, Michigan, Ohio, Pennsylvania, and Wisconsin that Democrats carried in 2012. Among those states, Pennsylvania, Michigan, and Wisconsin had been Democratic strongholds for presidential elections for years. Pennsylvania and Michigan have not voted Republican since 1988 when then-Vice President George H. W. Bush eked out the election over Democratic nominee Michael Dukakis, and Wisconsin since 1984 when President Ronald Reagan was elected over Democratic nominee Walter Mondale. In the wee hours of Wednesday morning, President-elect Trump was declared the victor in enough states to surpass the requisite 270 Electoral College vote threshold. In doing so, the Republican overcame seemingly long polling odds and a tumultuous campaign season beset by controversy on both sides en route to a stunning victory that could signal a significant political realignment in this country driven by voters who have felt marginalized. It is also possible that this outcome is the latest swing of an American political pendulum that perpetually oscillates back-and-forth.

Throughout the race, Trump campaigned as a populist outsider who would bring an inward-looking focus to America, appealing to nationalist instincts over a globalist view he argued has left behind many Americans. Domestically, Trump has vowed to upend a Washington-centric governance culture. Health care policy (see more below) is but one area where Trump may dramatically alter the landscape. He has vowed to repeal and replace the Affordable Care Act (ACA) creating uncertainty for providers which would have to adapt to changes in the policy landscape. Indeed, Republicans in both bodies of Congress have campaigned on ACA repeal since its 2010 passage. Over the past year, Congress utilized reconciliation—a budget maneuver requiring only 51 votes in the Senate—to enact legislation repealing the law. President Obama vetoed it. This year, President-elect Trump made the “repeal and replace” mantra a hallmark of his stump speech. House Republicans, meanwhile, frequently touted the “A Better Way” health care plan put forth by U.S. House of Representatives’ Speaker Paul Ryan (R-Wisconsin). Ryan’s plan calls for a full repeal of the ACA. Without 60 votes in the Senate, a full repeal of the law seems unlikely in the short-term. By utilizing reconciliation, though, Republicans can gut the coverage and tax provisions, effectively rendering the law null and void. While the timing is uncertain, as are the eventual components of a replacement package, there is a strong likelihood Congress will move to repeal provisions of the ACA when it convenes in January. In the days since the election, both Speaker Ryan and Senate Majority Leader Mitch McConnell (R-Kentucky) have reiterated that pledge. In addition to health care, many more policy and systemic changes may be in the offing, including a potentially reconstituted United States Supreme Court already coping with one vacancy and populated by several retirement-eligible Justices.

New Faces in Virginia’s Congressional Delegation

Trump’s election also means Republican hegemony
across the federal government as the election awarded the White House to the GOP and kept the party in control of Congress. Virginia and its 13 electoral votes went to the Clinton-Kaine ticket, extending its recent pattern of going for the Democratic ticket over the past three presidential elections after the Old Dominion reliably voted for Republican tickets in previous presidential elections going back more than four decades. Virginia’s congressional delegation will continue to have a GOP majority. All 11 Virginia seats in the U.S. House of Representatives were on the November ballot. Prior to the election, Republicans held eight seats and Democrats held three. However, the map was altered ahead of the 2016 election following a federal court ruling that resulted in modifications to the 3rd and 4th Districts – changes in district voter composition resulted in the 4th transitioning from a safe Republican seat to one that Democrats eyed as ripe for the taking. In the end, Democrats increased from three to four the number of congressional seats held by the party after winning the 4th District seat. Republicans, however, maintain a majority share of Virginia’s 11 seats, even though the party has a few new faces in new places.

Eight of the 11 congressional seats were held by incumbents. New representatives include:

- Scott Taylor, a Republican and former Navy Seal presently serving in the Virginia House of Delegates, secured the Virginia Beach-based 2nd District vacated by retiring Rep. Scott Rigell. Taylor won GOP nomination over Congressman Randy Forbes who opted to run in the 2nd District rather than the court-redrawn 4th District.
- Democrat Donald McEachin won in the redrawn 4th District. McEachin is an attorney and current state Senator from a Richmond-area Democratic district. His election creates a Virginia Senate vacancy that will necessitate a special election to fill.
- Republican Tom Garrett, a current state Senator and former prosecutor, won in the 5th District, won a Central Virginia-based seat that opened when Rep. Robert Hurt (R) opted not to seek re-election. His election creates a Virginia Senate vacancy that will require a special election to fill.

These are the members of Virginia’s incoming congressional class (*denotes incumbent):

1st District: Rep. Rob Wittman (R)*
2nd District: Rep. Scott Taylor (R)
3rd District: Rep. Bobby Scott (D)*
4th District: Rep. Donald McEachin (D)
5th District: Rep. Tom Garrett (R)
6th District Rep. Bob Goodlatte (R)*
7th District: Rep. Dave Brat (R)*
8th District: Rep. Don Beyer (D)*
9th District: Rep. Morgan Griffith (R)*
10th District: Rep. Barbara Comstock (R)*
11th District: Rep. Gerry Connolly (D)*

In the U.S. Senate, Republicans lost seats but maintained the party’s majority. After falling short as a member of the Clinton ticket, Kaine is expected to return to his seat in the U.S. Senate alongside fellow Virginia Democrat, U.S. Senator Mark Warner. Contests for each of those seats are a few years off. As pivotal as the just-concluded presidential and congressional elections are, another set of Virginia contests is just around the corner in 2017.

Virginia General Assembly Seats on the Ballot

In addition to federal races, some Virginia voters had opportunities to cast ballots in select state and local races. Special elections were held to fill two vacancies in the state Senate. Chesapeake Democratic Delegate Lionell Spruill Sr. was unopposed in his bid to replace former Senator Kenny Alexander, who was elected Mayor of Norfolk earlier this year. And Williamsburg Delegate Monty Mason won a contest to fill a Newport News-based Senate seat vacated by the death of former Senator John Miller. Those outcomes do not change the balance of power in the Virginia Senate, where Republicans hold a narrow 21-19 seat edge over Democrats. In special elections held to fill the seats vacated by Spruill and Mason, Democrats Cliff Hayes and Mike Mullin won their respective contests. As in the state Senate, those outcomes do not shift the balance of power in the House of Delegates where Republicans hold a two-thirds majority.

Also on the Virginia ballot were two proposed state constitutional amendments, including one to enshrine the so-called right-to-work law in Virginia’s Constitution. Voters rejected that change. Current state law prohibits compulsory union membership. Many con-
servatives favored the proposed amendment and it was considered a marquee 2017 campaign issue for Republican state legislators.

**Federal Advocacy Activities Will Be Critical**

As noted, Trump’s election portends renewed efforts to repeal and replace the ACA, a goal shared by Republicans in Congress from leadership to rank-and-file members. In addition to pledging to scuttle ACA early in his administration, President-elect Trump has expressed support for elements of Ryan’s “A Better Way” plan. Health care policy ideas Trump has indicated support for include:

- Permitting the sale of insurance across state lines;
- Allowing tax filers to fully deduct health insurance premiums on their tax returns;
- Enabling Health Savings Accounts (HSAs) to become part of a person’s estate that can be passed on to heirs without facing an estate tax;
- Requiring price transparency from all health care providers;
- Turning Medicaid into a block grant to the states; and
- Removing barriers to market for drug providers that offer safe, reliable, and cheaper products.

By most measures, Trump’s election ranks as a major upset. As things stand with a Republican ascending to the White House and GOP majorities in Congress, ACA repeal is a real possibility. VHHA will work with the American Hospital Association and other stakeholders in Washington to pursue policies that support hospitals.

**The 2017 Virginia General Assembly Session**

As the nation prepares for Trump’s inauguration, Virginia will convene its annual General Assembly session this winter when an array of state health care policy proposals on items such as behavioral health reform, certificate of public need, scope of practice legislation, and more could be on the docket. In the shadow of Trump’s election, it remains to be seen if there will be substantive movement on those issues during the short General Assembly session preceding key state elections. While a majority of Virginia voters cast ballots for the Democratic candidate (Clinton), Virginia’s legislature remains solidly Republican. It remains to be seen if there is an appetite in the legislature for dealing with any major health care policy matters. VHHA will closely monitor ground conditions in the lead up to the 2017 session.

One variable that could alter the face of the 2017 races is a case pending before the U.S. Supreme Court regarding Virginia’s state legislative district apportionment. Based on the current district lines, it is safe to assume Republicans will hold onto the party’s comfortable majority in the state House of Delegates.

Following the 46-day session, Virginia politicos will turn their attention to the 2017 contest when the statewide offices of governor, attorney general, and lieutenant governor will be on the ballot alongside the 100 seats in Virginia’s House of Delegates. At present, Democrats hold all three statewide offices and Republicans have a commanding majority in the state House. Outside of what might happen in Washington that affects states, the outcome of Virginia’s 2017 elections could influence how state health care policy evolves. Declared Republican contenders for governor include Ed Gillespie, a former counselor to President George W. Bush; Prince William County Supervisor Corey Stewart; Congressman Rob Wittman; and state Senator Frank Wagner of Virginia Beach. On the Democratic side, Lt. Gov. Ralph Northam, a Norfolk-based pediatric neurologist, is unopposed for the party nomination.

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**About the Author**

Julian Walker is VHHA’s Vice President of Communications. In that role, he oversees strategic messaging and communications efforts to complement policy initiatives which support local hospitals and health systems across the Commonwealth. Prior to VHHA, he served as communication director for a public affairs firm in Richmond, VA, and previously spent the better part of two decades as a political journalist. Julian is a graduate of James Madison University.
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Save the Date for VHHA’s Hospital Lobby Day: January 18, 2017 in Richmond. Hospital Grassroots Network (HGN) members and hospital and health system employees are invited to join for a day of advocacy on behalf of our hospitals and health care systems. Mark your calendar and be sure to register for the HGN using the link below for more information.

HosPAC is VHHA’s political action committee. The mission of HosPAC is to provide organized and effective political action, and to support state candidates who will work to improve quality health care through policies supported by Virginia’s hospital and health systems. As elected officials in Virginia and Washington make critical decisions affecting Virginia’s hospitals and health systems, HosPAC supports candidates for office whose actions show consideration for Virginia health care providers and the communities they serve. To learn more about HosPAC or to contribute, visit www.vahospac.com.

Join the VHHA Hospital Grassroots Network. Register to be an advocate for health care in your community. Through our new online member mobilization tool, Muster, VHHA will send updates and Action Alerts throughout the year, and periodically ask you to send an e-mail to your state delegate or senator to seek their support on important health care issues. The messages are drafted for you, and taking action can take less than one minute. Action Alerts are sent to Hospital Grassroots Members on the most important legislative issues that our hospitals face. Legislators need to hear from people in their districts to understand the local impact of their votes in Richmond. If you previously received VHHA’s VoterVOICE e-mail alerts, you are already registered for the Hospital Grassroots Network. Your voice is important. Sign up online today at https://app.muster.com/250/supporter-registration/.