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The Truth Behind The Rhetoric | By Glenn Kessler



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Obama's pledge that 'no one will take away' your health plan

BY GLENN KESSLER □ October 30 at 6:00 am



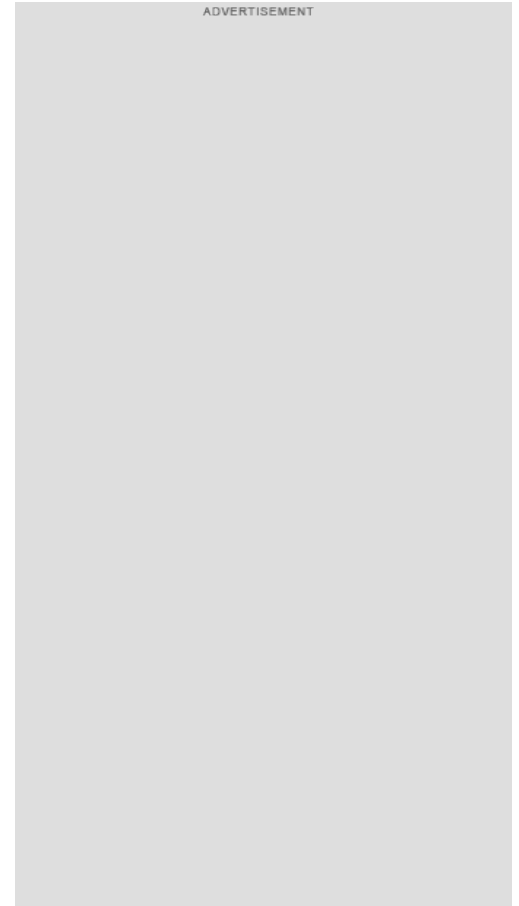
(MANDEL NGAN/AFP/Getty Images)

"That means that no matter how we reform health care, we will keep this promise to the American people: If you like your doctor, you will be able to keep your doctor, period. If you like your health-care plan, you'll be able to keep your health-care plan, period. No one will take it away, no matter what."

– President Obama, [speech to the American Medical Association, June 15, 2009](#) (as the health-care law was being written.)

"And if you like your insurance plan, you will keep it. No one will be able to take

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that away from you. It hasn't happened yet. It won't happen in the future."

– **Obama, remarks in Portland, April 1, 2010, after the health-care law was signed into law.**

"FACT: Nothing in #Obamacare forces people out of their health plans. No change is required unless insurance companies change existing plans."

– **tweet by Obama aide Valerie Jarrett, Oct. 28, 2013, after NBC News airs a report that the Obama administration knew "millions" could not keep their health insurance.**

Many readers have asked us to step back into time and review these statements by the president now that it appears that [as many as 2 million people](#) may need to get a new insurance plan as the Affordable Care Act, a.k.a. Obamacare, goes into effect in 2014. As we were considering those requests, one of the president's most senior advisers then tweeted a statement on the same issue that cried out for fact checking.

The Facts

The president's pledge that "if you like your insurance, you will keep it" is one of the most memorable of his presidency. It was also an extraordinarily bold — and possibly foolish — pledge, unless he thought he simply could dictate exactly how the insurance industry must work.

At the time, some observers noted the problems with Obama's promise.

After Obama made his speech before the AMA, the Associated Press ran a smart analysis — "[Promises, Promises: Obama's Health Plan Guarantee](#)" — that demonstrated how it would be all but impossible for the president to keep that pledge. The article noted that the Congressional Budget Office assumed that 10 million Americans would need to seek new insurance under the Senate version of the bill.

Meanwhile, in the [Republican weekly address](#) on Aug. 24, 2009, Rep. Tom Price (R-Ga.), a doctor, made this point: "On the stump, the president regularly tells Americans that 'if you like your plan, you can keep your plan.' But if you read the bill, that just isn't so. For starters, within five years, every health-care plan will have to meet a new federal definition for coverage — one that your current plan might not match, even if you like it."

One might excuse the president for making an aspirational pledge as the health-care bill was being drafted, but it turns out [he kept saying it](#) after the bill was signed into law. By that point, there should have been no question about the potential impact of the law on insurance plans, especially in the individual market.

[As we have noted](#), a key part of the law is forcing insurers to offer an "[essential health benefits](#)" package, providing coverage in 10 categories. The list includes: ambulatory patient services; emergency services; hospitalization; maternity and newborn care; mental health and substance use disorder services, including behavioral health treatment; prescription drugs; rehabilitative and habilitative services and devices; laboratory services; preventive and wellness services and chronic disease management; and pediatric services, including oral and vision care.



1 d

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For some plans, this would be a big change. In 2011, the Department of Health and Human Services [noted](#): “62 percent of enrollees do not have coverage for maternity services; 34 percent of enrollees do not have coverage for substance abuse services; 18 percent of enrollees do not have coverage for mental health services; 9 percent of enrollees do not have coverage for prescription drugs.”

The law did allow “grandfathered” plans — for people who had obtained their insurance before the law was signed on March 23, 2010 — to escape this requirement and some other aspects of the law. But the regulations written by HHS while implementing the law set some tough guidelines, so that if an insurance company makes changes to a plan’s benefits or how much members pay through premiums, co-pays or deductibles, then a person’s plan likely loses that status.

If you dig into the regulations ([go to page 34560](#)), you will see that HHS wrote them extremely tight. One provision says that if co-payment increases by more than \$5, plus medical cost of inflation, then the plan can no longer be grandfathered. (With last year’s inflation rate of 4 percent, that means the co-pay could not increase by more than \$5.20.) Another provision says the co-insurance rate could not be increased at all above the level it was on March 23, 2010.

While one might applaud an effort to rid the country of inadequate insurance, the net effect is that over time, the plans would no longer meet the many tests for staying grandfathered. Already, [the percentage of people](#) who get coverage from their job via a grandfathered plan has dropped from 56 percent in 2011 to 36 percent in 2013.

In the individual insurance market, few plans were expected to meet the “grandfathered” requirements, which is why many people are now receiving notices that their old plan is terminated and they need to sign up for different coverage. Again, this should be no surprise. As HHS [noted in a footnote](#) of a report earlier this year: “We note that, as the Affordable Care Act is implemented, we expect grandfathered coverage to diminish, particularly in the individual market.”

Indeed, at least six states — Virginia, Idaho, Kentucky, Louisiana, Wyoming and Kansas — require insurance companies to cancel existing policies, rather than amend them, if the grandfathered coverage lapses.

Now, it’s important to note that many people — perhaps a large majority — are receiving notices that they have lost their insurance plan because they were never grandfathered in the first place. In other words, they got a plan after the bill was signed into law back in 2010. If that’s the case, they have no option but to accept the more comprehensive insurance mandated by the law.

Still, it’s worth remembering that insurance companies pressed throughout the health-care debate to allow people to keep the policy they had effective at the end of 2013.

The consequences of the unusual March 23, 2010, cut-off date are now being felt. HHS, when it drafted the interim rules, estimated that between 40 and 67 percent of policies in the individual market are in effect for less than one year. “These estimates assume that the policies that terminate are replaced by new individual policies, and that these new policies are not, by definition, grandfathered,” the rules noted. ([See page 34553.](#))

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Moreover, it's certainly incorrect to claim, as some Republicans have, that people are losing insurance coverage. Instead, in virtually all cases, it's being replaced with probably better (and possibly more expensive) insurance.

In recent days, administration officials have argued that the plans that are going away are "substandard" and lacked essential protections — and that many people may qualify for tax credits to mitigate the higher premiums that may result from the new requirements.

"Now folks are transitioning to the new standards of the Affordable Care Act which guarantee you can't be denied, you won't be kicked off of a policy because you developed a problem, you may be eligible for tax credits, depending on your income," said Marilyn Tavenner, administrator of the Centers for Medicare and Medicaid Services. "So these are important protections that are now available through the Affordable Care Act."

Or, as White House spokesman Jay Carney [put it](#): "It's correct that substandard plans that don't provide minimum services that have a lot of fine print that leaves consumers in the lurch, often because of annual caps or lifetime caps or carve-outs for some preexisting conditions, those are no longer allowed — because the Affordable Care Act is built on the premise that health care is not a privilege, it's a right, and there should be minimum standards for the plans available to Americans across the country."

But such assertions do not really explain the president's promise — or Jarrett's tweet. There may be a certain percentage of people who were happy with their "substandard" plan, presumably because it cost relatively little. And while Jarrett claimed that "nothing" in the law is forcing people out of their plans "unless insurance companies change plans," she is describing rules written by the president's aides that were designed to make it difficult for plans to remain grandfathered for very long.

As the HHS footnote mentioned above stated: "We note that, as the Affordable Care Act is implemented, we expect grandfathered coverage to diminish, particularly in the individual market."

The Pinocchio Test

The administration is defending this pledge with a rather slim reed — that there is nothing in the law that makes insurance companies force people out of plans they were enrolled in before the law passed. That explanation conveniently ignores the regulations written by the administration to implement the law. Moreover, it also ignores the fact that the purpose of the law was to bolster coverage and mandate a robust set of benefits, whether someone wanted to pay for it or not.

The president's statements were sweeping and unequivocal — and made both before and after the bill became law. The White House now cites technicalities to avoid admitting that he went too far in his repeated pledge, which, after all, is one of the most famous statements of his presidency.

The president's promise apparently came with a very large caveat: "If you like your health care plan, you'll be able to keep your health care plan — if we deem it to be adequate."

Four Pinocchios



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Glenn Kessler has covered foreign policy, economic policy, the White House, Congress, politics, airline safety and Wall Street over the last three decades. Before becoming "The Fact Checker," Kessler was The Washington Post's chief State Department reporter for nine years. He also reported on tax and budget policy for The Post and served as the newspaper's national business editor. Follow him on [Twitter](#) and [Facebook](#).

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Applarch wrote:
6:24 PM CDT

We need some perspective here, folks. When a statement is accurate for 95% of cases, the most severe words usually applied are "overstated" or "oversimplified." Is the President guilty of oversimplification here? Absolutely! To be sure, I'd personally call it a mild oversimplification, considering that he was countering an equally simplistic mantra that "Obamacare is a socialist government takeover of healthcare," which is 0% accurate and thus truly a lie (and indeed a whopper of a lie!)

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slatt321 responds:
8:26 PM CDT

When you are stretching this far trying to parse the hair-splittings over what constitutes a lie, you are losing the argument.

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dmanuta wrote:
4:37 PM CDT

This is the latest example of the hubristic arrogance of the Obama Administration. It is outrageously un-American for the federal government to have the colossal nerve to tell an American (who does not have a printing press in the basement) that we know better than you.

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Coggers wrote:

3:09 PM CDT

I am an independent and new to this site....always felt that the Post had it's mind made up and needn't be confused with the facts on most issues. I read the comments of many of the commentators here and I am in disbelief at the situational ethics. This person Applarch is a piece of work. Don't buy a car from this guy! He couldn't spell "CAT" if you spotted him the C and the T. I'll bet by the time this Obamacare fiasco is said and done with that many of it's alleged supporters will be on Medicaid.

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Applarch responds:

5:57 PM CDT

So if I were only 95% a piece of work would that make your statement a lie ?

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bytebear wrote:

2:35 PM CDT

So, tell me, Washington Post. Why didn't you give Obama 4 Pinocchio's before the 2012 election. Clearly from this article, the facts were there. Why did you like to protect the president's re-election? You are as disgusting as our president.

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bytebear responds:

2:36 PM CDT

lie not like.

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Babysatz responds:

3:03 PM CDT

excellent point!

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slatt321 wrote:

11:47 AM CDT

The Democrats knew they were lying when they made no caveats to the sales pitch. Don't lie to us and then defend the lie by saying it's in our best interest.

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Applarch responds:

1:02 PM CDT

You call it a lie even though it's accurate for the overwhelming majority of citizens. Are you this persnickety with everything YOU'VE ever said ?

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bytebear responds:

2:46 PM CDT

It inaccurate to millions. How many does it take to make it a lie?

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slatt321 responds:
2:48 PM CDT

"And if you like your insurance plan, you will keep it. No one will be able to take that away from you. It hasn't happened yet. It won't happen in the future."

That is factually untrue for millions. It is not a persnickety triviality. The President, and many fellow Democrats, lied.

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Applarch responds:
3:21 PM CDT

You have a strange definition of what constitutes a lie. Across a nation of over 300 million, there will always be exceptions, and yes, these can number in the millions.

You know what a REAL lie is? It's something that not only isn't true for 95% of people, it isn't true at all, and is in fact the opposite of the truth, for example the lie that Obamacare is a socialist government takeover of medicine. Both statements relate to the same topic, and there's a world of difference between the truthiness of each.

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slatt321 responds:
8:24 PM CDT

Once more:

"And if you like your insurance plan, you will keep it. No one will be able to take that away from you. It hasn't happened yet. It won't happen in the future."

No caveats, no exceptions. When people withhold the truth trying to benefit their position, it is called a lie.

He did not say "if most of you like you can keep it. No one will take that away from you as long as your plan doesn't change. It won't happen in the future provided your insurance company does nothing at all to change the terms."

It was the government working with insurance companies to set the regulations. Every reader can decide for themselves whether Obama intended to deceive.

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LisaMaire wrote:
9:19 AM CDT

your insurance company knew what the rules were. why do you not blame them? they knew if they made changes they would not be grandfathered in...they made changes, probably on purpose. Since when hasn't private insurance been willing to dump their customers for \$\$\$\$\$

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NKWTI responds:
10:57 AM CDT

It's not just people are being dropped, companies that comply now force you to pay for things that must be covered now, even if you don't use them. The premiums now are being bloated in price, so some people may be forced to not keep their insurance that they liked and drop the plan themselves and go on the ACA website. Do you get it yet?

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DizzyMissLizzy responds:
2:42 PM CDT

They have to change the plans because Obama said what had to be in the plan.

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CallMeBC wrote:
12:00 AM CDT

Gawd, Kessler needs 5 Pinocchios for this bit of rubbish. For one thing, it's a gimme than any "info" coming from any Congressional Republican, even a doctor, in regards to Obama's health care plan should be treated exactly the same way as that material you gather up in a plastic bag when you walk your dog. And what Kessler cluelessly omits here is that the "substandard" insurance that is referred to here has a more common name: catastrophic insurance. And Kessler commits the same journalistic fall on face that's unfortunately been the norm rather than the exception: the Obama's plan is based on the Massachusetts plan, which has been in operation for quite some time, so why isn't it used for reference? Massachusetts discovered that catastrophic plans are bad deals -- they weren't much cheaper than basic, more comprehensive plans despite having out of pocket deductibles in the thousands of dollars.

Republicans of all stripes have been nothing but utterly useless, rock throwing, rumor-mongering miscreants (to put it politely), but the U.S. news outlets like the Post haven't been much better in explaining any of this coherently and knocking down all the deliberate misinformation being tossed out by Republicans and right wingers in general -- there is a reason why every poll and survey has shown a majority of Americans to be confused and misinformed about major parts of the ACA.

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pararanger22 responds:
2:19 AM CDT

CallMeBC,

Why is that when Liberals, like you, are clearly cornered with your lies, and the lies of the President, your response is not "yeah, we screwed that up" but instead "its the GOPs fault". You lack what your party lacks: moral courage. Until Democrats start exhibiting that virtue, 50% of the Nation will oppose you - with passion.

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Hugh D Mcgarity responds:
1:53 PM CDT

i suppose everyone who touts the mass. plan realizes that state has the highest healthcare costs in the country. there certainly seem some pretty good facets to the plan which was implemented under gov mitt romney. it's one thing to do this in a single state over a six or so year period but to try to copy this nationally is exponentially more difficult. here's a link to a good piece about the massachusetts system: <http://www.politico.com/story/2013/10/health-care-...>

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BrAdams wrote:
11/1/2013 9:26 PM CDT

Why is it assumed that limiting increases in co-pays and deductibles to the rate of medical inflation would make it difficult for plans to remain grandfathered? Why do those need to rise faster than the cost of health care?

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Applarch wrote:
11/1/2013 2:24 PM CDT



This completely ignores the context of the President's statements. They were made in answer to the grossly dishonest Republican claims that ACA represented "socialism" and "government takeover of healthcare." The actual as opposed to the fantasy thrust of ACA is to preserve the existing employer-based, private insurance-based, and private physician-based delivery of healthcare. The President's statements in this context are merely a succinct summary of the ACA approach that works well to refute hysterical GOP claims.

Kessler and the GOP are now twisting Obama's explanation of the philosophy behind ACA into a promise that insurance companies would never cancel policies, something they've always done and will continue to do. And even taken out of context, the statement is accurate for the great majority of citizens with employer-provided health insurance. Four Pinocchios for a slogan that effectively captures the essence of the ACA approach? This might be fair only if Kessler had previously awarded EIGHT Pinocchios to the equally ubiquitous and absolutely deceptive GOP slogan that "Obamacare is a socialist government takeover of healthcare." If he did, I sure can't find it.

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MSBMSB responds:
11/1/2013 3:35 PM CDT

Nice try. It's very clear the reason he made the promises is that if he didn't, he would have a pretty hard time getting it passed.

Perhaps it was made in response to some dishonest claims, but that doesn't make it OK to refute those claims with dishonesty. As I'm walking down the road and you say to me, "you can't walk", would it be OK for me to respond, "not only can I walk, I can run 50 mile per hour!"?

Like Liked by 1 reader · Report Abuse



Applarch responds:
11/1/2013 7:10 PM CDT

Sorry, but what's clear is that he needed a tagline to refute the relentless outrageous lies about the fundamental nature of ACA. It's not dishonest to point out the the program will NOT require citizens to get insurance from the government rather than an their employer, NOT require the insurance to be provided by the government rather than their employer's insurance company, and NOT require medical care to be provided by a government-employed doctor as opposed to private doctors already in their health insurer's network. Take out the NOTs and you get the bizarro version of Obamacare presented as gospel by the GOP.

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Joe responds:
11/1/2013 7:17 PM CDT

Stop with the context BS. Every time Obama gets in trouble the left tries to say you have to add the context. The problem is that the full context is always present and explaining the context doesn't change anything. Obama lied and people's healthcare died.

Like Liked by 3 readers · Report Abuse



Snapshot responds:
11/1/2013 8:35 PM CDT

That may be due the fact that the Republicans are indeed lying to the American people Did you ever think of that before? Well, of course they are lying.....

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Applarch responds:
12:54 PM CDT

Only those with a terminal case of Obama Derangement Syndrome would lump the President's statement with the incessantly-repeated GOP canard they refute, that "Obamacare is a socialist government takeover of healthcare." The former is accurate for 95% of citizens, while the latter is devoid of truth.

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Hugh D Mcgarity responds:

1:59 PM CDT

not even a half good try to redeem our skinny marxist president. must be soothing to you if you blame all your and obama's many woes on those obtuse republicans and right wingers. here's one for you: better to be a right wing nut job that a left winger with no nuts and no job.

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DizzyMissLizzy responds:

2:43 PM CDT

You are a liar like Obama

Like · [Report Abuse](#)



Applarch responds:

3:22 PM CDT

Yep, ODS in all its flaming glory!

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Applarch responds:

3:27 PM CDT

BTW, I count myself a moderate, have children (which addresses Hugh's second point), and am a retired director of a global corporation (OK, no job so you got me there). I also graduated from West Point, so I'm not used to being called a liar. Dizzy, perhaps you'd like to specify the misinformation you believe I'm propagating.

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John BP wrote:

11/1/2013 12:02 PM CDT

I disagree...after reading this article one fact is still clear to me (despite authors attempt to obscure it.), the only reason a policy is cancelled is "change".

IF the insurance company makes any change in the terms of the policy, THEN it is subject to the "minimum benefits" of the ACA.

IF the policyholder doesn't pay the premium, and it "lapses", THEN the policy is automatically cancelled (think change in payment).

Otherwise, if you like your policy you CAN keep it...unless of course the insurance company simply cancels (it in order to make more profit). This happens to 25% of policies every year.

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jdr1 responds:

11/1/2013 7:43 PM CDT

The regulations were written in a way that designed to cause cancellation.

It isn't even reasonable to say to an insurance company, "You can't raise the copayment requirement" from time-to-time. That's a ridiculous requirement which was imposed solely to force people into the exchanges.

It is outrageous.

Like Liked by 1 reader · [Report Abuse](#)



Hugh D Mcgarity responds:
2:02 PM CDT

how about all the people who have lost health coverage under obama because they have lost jobs or been downsized to part time. you libs are pecking like a chicken with rubber lips.

Like · Report Abuse



bytebear responds:
2:42 PM CDT

The regulations REQUIRED the insurance companies to drop policies. This is ALL on OBAMA and Democrats. OWN IT.

Like · Report Abuse



kag2 wrote:
11/1/2013 11:58 AM CDT

The grandfathered provision that you seem to have a problem with assures enrollees that their current insurance program stays the same and is not warped into whatever the insurance company wants it to be Exactly how does this break Obama's pledge? As Obama said "If you like your health-care plan, you'll be able to keep your health-care plan, period."

ACA guarantees that your current insurance program will stay the program you initially signed up for. The rule you specify even allows the company to increase profits on co-pay by \$5.00 per visit over inflation which seems to me to be over lenient to the insurers.. So exactly what is the problem?

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bytebear responds:
2:45 PM CDT

You really do live in a fantasy land devoid of facts.

Like · Report Abuse



Keed1620 wrote:
11/1/2013 9:39 AM CDT

It is so frustrating to be told the plan I have (had) is substandard. Carney thinks I didn't read the fine print? These people didn't even read the law they passed. How dare they say they know what is the best plan for me? I signed up my wife for a plan with maternity coverage, and then myself and two daughters were on a cheaper plan with no maternity coverage. Now we all get it for double the price! Thanks Obamacare.

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Huston wrote:
11/1/2013 7:46 AM CDT

<http://www.cepr.net/index.php/blogs/beat-the-press...>

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jschwarz9 wrote:
11/1/2013 7:42 AM CDT

[continued from my previous comment] Look. Throughout the last campaign, in which this "pledge" by Obama started being repeated, the context and intended meaning was clearly in reference to the vast majority of established employer-based and other "group" insurance policies - which amounts to over 85% of people

insured. NOT the relatively small individual market (which was, indeed, the place where everyone understood that reform was primarily needed.) The conservative claim against the ACA at the time was that it was somehow going to be a "government take-over" of the entire system - and Obama's promise that "you can keep your insurance" was almost always stated in the context of reassuring this 85% of people that it would not replace their present private system of group, employer-based policies.

I agree, Obama started repeating the statement in recent time as a "stand-alone", unqualified promise, without this context. He should not have done this. But the truth is always complex and nuanced - and the media always rewards politicians who are willing to give them sound-bites - which inevitably oversimplify. And politicians often give in to this demand for oversimplification - and usually wind up regretting it.

Clearly, it would have been BETTER (and more lawyer-like) to have said something carefully nuanced like: "ALMOST all people will be able to keep their existing insurance, or (in the case of a few people in the individual markets) replace it with a policy that is either substantially comparable or a better value." But that does not make what he DID say a "lie"!

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John BP responds:
11/1/2013 11:04 AM CDT

I agree...after reading the article one fact is still clear to me (despite authors attempt to obscure it...), the only reason a policy is cancelled is "change". IF the insurance company makes any change in the terms of the policy, THEN it is subject to the "minimum benefits" of the ACA.

Otherwise, if you like your policy you CAN keep it...unless the insurance company simply cancels (it in order to make more profit).

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jdr1 responds:
11/1/2013 7:44 PM CDT

How many times are you going to post that?

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ming_on_mongo responds:
11/1/2013 8:18 PM CDT

How many times are you gonna keep ignoring it?
It's not difficult to understand (unless you don't want to...).

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jschwarz9 wrote:
11/1/2013 7:41 AM CDT

"Four Pinocchios"??? Really? When the WORST you can say is that Obama's statement is being defended with "a rather slim reed"? How many "Pinocchios" do you have for the outright deliberate lies (with zero basis in reality or fact) about the ACA which come from Conservatives and Tea Partiers almost daily: that the law is a "job killer"; will "harm small businesses and stop them from hiring"; that it will "cost more"; "destroy the economy"; etc etc

Actually, the "slim reed" is pretty compelling: "that there is nothing in the law that makes insurance companies force people out of plans they were enrolled in before the law passed." Typically "grandfather" or "savings" clauses do tend to be narrowly enforced - and if insurance companies do not wish to continue the plans unaltered (mostly because they are junk that will no longer be competitive), that is the fault of the companies - not the ACA. And, as the article admits, people losing these specific policies (because the companies are withdrawing them) will be able to get better policies in the marketplace of the exchanges. So what, bottom line, is the big deal?

I normally have had the greatest respect for the Post's fact-checker. But this article is simply pandering to conservative obsessions with finding any stick - no matter how silly or picayune - with which to hit Obama or the ACA. At most, Obama is guilty of oversimplification and exaggeration. That is very different from an outright blatant lie (which is what I always thought "Four Pinocchios" was reserved for) - and I hope the Post still knows the difference. Essentially what this was is a meaningless "gotcha" moment.

[to be continued in following comment, due to arbitrary length limits imposed on comments!]

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ming_on_mongo responds:
11/1/2013 8:26 PM CDT

Yeah, some "fact checker"... then guess that means the "killing Grandma" and "death panels" claims, made by everyone from Palin to Gingrich to Limbaugh must be true (or maybe those were just quoted "out of context"...lol)!

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