



Written by [Michael Tennant](#) on March 28, 2014

## Obama Admin. Extends ObamaCare Enrollment Deadline

Remember that March 31 deadline for open enrollment in the ObamaCare exchanges — the one that the Obama administration has for months insisted is immovable? It just moved.

On Wednesday, the administration announced that anyone who claims to have begun the process of seeking coverage on the exchange by the end of the month may now apply for an extension of the enrollment period. “Under the new rules, people will be able to qualify for an extension by checking a blue box on HealthCare.gov to indicate that they tried to enroll before the deadline,” the [Washington Post](#) reported. “This method will rely on an honor system; the government will not try to determine whether the person is telling the truth.”

The administration argues that the extension is necessary because it is expecting a “surge” of people to sign up in the last few days of the enrollment period, which “could leave some people unable to get through the system,” said the paper.

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“We are ... making sure that we will be ready to help consumers who may be in line by the deadline to complete enrollment — either online or over the phone,” Centers for Medicare and Medicaid Services spokeswoman Julie Bataille told reporters.

In the words of [Politico](#), “The Obama administration is giving anyone ‘in line’ for health coverage extra time to get it. But there isn’t really a ‘line’ and nobody’s checking who’s on it.” In fact, said the website, Bataille “declined to describe any scenario in which someone seeking to complete coverage after March 31 would be denied or told they weren’t ‘in line’ for coverage.”

Beyond the fact that the extension is being offered to anyone who requests it, the administration isn’t saying much about it. One official told the *Post* that “an exact time frame for this extension has not been set, and it will depend in part on how many people request it. Nor have officials decided precisely how long people will have to select a health plan after they get the extra time.” Officials on a Wednesday conference call with reporters were similarly closed-mouthed about the details, according to the [Daily Caller](#).

“It’s difficult for us to specify how long a line we may have,” Bataille said. “What we’re doing is making sure that we’re prepared to be flexible.”

This, by the way, is the same Bataille who just a fortnight earlier flatly [stated](#), “We have no plans to extend the open enrollment period.”

Health and Human Services (HHS) Secretary Kathleen Sebelius was similarly direct in March 12





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testimony before the House Ways and Means Committee. Asked by Rep. Kevin Brady (R-Texas) if the administration had any intention of extending the enrollment period beyond March 31, Sebelius replied, “No, sir.”

Sebelius’ ability to give such assurances with a straight face led Rich Lowry, editor of *National Review*, to [dub](#) her “the Baghdad Bob of American health insurance,” a reference to former Iraqi Minister of Information Mohammed Saeed al-Sahhaf, who in 2003 repeatedly insisted that Iraq’s military would triumph over the invading U.S. forces despite all evidence to the contrary.

As with many of the other ObamaCare waivers and delays, this one is probably illegal. The *Washington Examiner’s* [Philip Klein](#) pointed out back in October that the Affordable Care Act requires the HHS secretary to establish the open enrollment period by July 1, 2012. “Given that ... Sebelius has already determined that the enrollment period must end on March 31 — and nearly 16 months has [sic] passed since she made that determination — extending the period would require an act of Congress to change the law,” Klein wrote.

Even the administration appears to have recognized this as recently as two weeks ago. After Bataille denied on March 11 that the administration had any plans to extend the enrollment deadline, she added, “In fact, we don’t actually have the statutory authority to extend the open enrollment period in 2014.”

“It is a testament to the Obama administration’s audacity that it doesn’t just defy the critics’ view of its lawful authority, it defies its own view of its lawful authority,” Lowry observed.

Why does the administration believe the deadline suddenly needs to be, in Bataille’s words, “flexible”? As noted above, they say it’s because they’re expecting an influx of attempted enrollments as the end of the month approaches. But they also need to get to the magic number of six million enrollees, their stated goal (downgraded from seven million before the Healthcare.gov debacle), and they need those enrollees to be previously uninsured individuals.

“If you look at what they’re trying to do — you check the box here, on an honor system — I would say this is to infinity and beyond,” [Rep. Michele Bachmann \(R-Minn.\)](#) told Fox News’ Neil Cavuto. “What they’re essentially planning is that people can continually enroll whenever they wanna enroll. Because they want to get to their numbers.”

“This is all outcome-based legislating from the administration,” she said. “And let’s face it, this has one thing in mind. It’s about President Obama trying to keep the Senate in Democrat hands in 2014. That’s it.”

*Forbes’* [Avik Roy](#) offered a slightly different take on the extension, suggesting that it’s “designed to get as many people under the Obamacare tent as possible, to ensure that the law is impervious to repeal.” Furthermore, he wrote, “the delay indicates that the Obama administration knows what we’ve all been concerned about: that while millions of people are signing up for Obamacare-sponsored insurance, the vast majority of those have been people who were previously insured. And if that’s true, the law isn’t helping the people it was meant to help.”

Even if one takes the cynical view that the law was meant to help the industries that lobbied for it, not least of which was the insurance industry, it is still failing. The extension of the enrollment deadline enables more people to hold off on buying insurance until they need it, the very thing the individual mandate was supposed to prevent. “So while the extension may increase enrollment figures by a few hundred thousand people, it will also ensure that the pool of people signing up is even sicker and older



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than it would have been otherwise,” Roy contended, explaining that this is likely to translate into 2015 exchange premiums “even higher than they would have been before.” Given that insurers are already talking about [double-digit rate hikes](#) for next year, this can hardly be considered good news.

The federal exchange isn’t the only one getting a deadline extension. Washington, Minnesota, Maryland, Massachusetts, Kentucky, California, Oregon, and the District of Columbia, all of which are running their own exchanges, have also extended their open enrollment deadlines, and Nevada is considering following suit. Clearly, the exchanges, like the rest of ObamaCare, aren’t performing up to expectations.

What, then, will be the next part of ObamaCare to undergo a unilateral alteration at the hands of the Obama administration? No one — perhaps not even the administration — really knows; but if past performance is any indication of future results, we won’t have to wait long to find out.



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