

7 major downsides if the ACA is overturned by Supreme Court

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When the U.S. Supreme Court hears arguments in the case of *California v. Texas* on Nov. 10, it will consider legal points pertaining to whether the Affordable Care Act (ACA) can remain in force without the individual mandate. What really is at stake, however, is health insurance coverage for more than 20 million people.

The issue before the court is whether Congress intended to invalidate the entire ACA when it zeroed-out the tax for failure to comply with the law's individual mandate to purchase health insurance and if the district court acted correctly when it ruled the ACA was invalid in its entirety without the tax.

If the high court upholds the district-court ruling, the following would happen:

- Patients would no longer have guaranteed coverage for pre-existing conditions, including COVID-19.
- Young adults would no longer have coverage under their parents' health insurance plan until age 26.
- Insurers would be allowed to generate higher profits and provide even less coverage for patient care.
- 100% coverage for certain preventive services would cease.
- Individual marketplace and premium subsidies based on income would be eliminated.
- Medicaid eligibility expansion would end, as would federal funding for Medicaid expansion.
- Annual and lifetime caps on coverage could be reinstated, leading to more bankruptcies due to health care costs.

While the court originally declared the ACA constitutional in 2012, three new justices have been added to the court since then, most recently Amy Coney Barrett, who was appointed to replace the late Ruth Bader Ginsburg.

Last December, the 5th U.S. Circuit Court of Appeals agreed partially with the district court. It ruled that the individual mandate was unconstitutional but sent the case back to the district court for further

analysis on whether the mandate can be severed from the rest of the ACA.

Earlier this year, 20 leading physician organizations joined the AMA in filing an amicus brief arguing why the Supreme Court should declare the ACA constitutional with or without the tax.

The brief also explains why it would be unwise to strike down a law “serving as the backbone of the safety net for the millions of Americans facing sudden unemployment” due to the COVID-19 pandemic.

“Invalidating provisions that have expanded access to health insurance coverage such as the guaranteed-issue and community rating provisions—or the *entire* ACA—would have a devastating impact on doctors, patients, and the American health care system in normal times,” the amicus brief says. “However, striking down the ACA at a time when the system is struggling to respond to a pandemic ... would be a self-inflicted wound that could take decades to heal.”

The ruling is expected to be issued in June 2021.

Read why doctors told the Supreme Court that now is worst time to undo ACA coverage gains.

Because numerous studies have found that uninsured patients live shorter and sicker lives, the AMA advocates expanded coverage and key health insurance reforms to help patients. The AMA’s highest priority is to ensure that the millions of Americans who have gained health care insurance because of the ACA maintain their coverage and patient protections.