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Supreme Court Ruling Against the ACA Could Have Sweeping Effects in Wisconsin

MADISON, WI – A new [report](#) shows how the Affordable Care Act has performed under an unsupportive administration and what's at risk from efforts to strike down the health law, such as the legal challenge that will be considered by the Supreme Court on November 10. It also highlights the resiliency of the ACA and its importance in Wisconsin.

Despite the once-in-a-generation pandemic, the plaintiffs in *California v. Texas* are seeking to overturn the decade-old health law now that the individual mandate penalty has been effectively removed. The US Justice Department has taken the rare position of refusing to defend its law. In fact, it argues that the entire law should be struck down, which would cause more than 20 million people to lose coverage and threaten coverage for pre-existing conditions for millions more.

The report examines how the ACA effectively provides protections for people with pre-existing conditions, the Marketplace enrollment trend throughout the Obama and Trump administrations, and what Wisconsinites have to lose if the Marketplace deteriorates substantially or the ACA is overturned by the courts.

A ruling in favor of the plaintiffs could block all of the ACA, including the subsidized insurance Marketplace that provides coverage for about 200,000 Wisconsinites, the requirements for coverage of young adults on their parents' insurance, the elimination of copays for access to preventative care, and a wide range of consumer protections.

Although all of the law could be overturned, the portions that appear to be most at risk are the popular provisions protecting insurance coverage of the care needed by people with pre-existing conditions. The U.S. Justice Department and various legal experts say that a decision striking down parts of the law, rather than all of it, would have to strike down the protections for coverage of pre-existing medical conditions.

William Parke-Sutherland, who specializes in health policy at Kids Forward, expressed concern about the sweeping impacts repealing the ACA would have for the state. "Eliminating the ACA now would be catastrophic. We cannot risk destabilizing our already-strained, patchwork health care system by destroying a law that is deeply entrenched in almost all aspects of health systems and the lives of millions of families."

The report illustrates that progress has stalled in recent years and lower income people have been impacted the most by enrollment declines. The report also shows how the ACA is particularly important in rural communities where access to employer-sponsored coverage is less common and highlights the

insurance gains Black, Native American, and Latinx residents have had since ACA implementation. However, despite these gains our health insurance system still has significant disparities and inequities.

Parke-Sutherland also said the current administration should be working to expand access to affordable, comprehensive health coverage, not trying to take it away from millions at the worst possible time. "Now health coverage is more important than ever. Everyone needs to be able to get testing and treatment for COVID-19 and have access to necessary routine medical care. The federal government should be working hard to make sure everyone everywhere has coverage, not asking the US Supreme Court to endanger the lives of millions by tearing up the Affordable Care Act."

The long-term fate of the Marketplace in Wisconsin and Affordable Care Act in general are up in the air. For thousands of Wisconsin children and families, continued access to health care has become increasingly uncertain even as the state's COVID case count rises and the potential for long-term health impacts remains unknown. With an upcoming election between a self-professed opponent of the ACA and one of its architects, 2021 will be a pivotal year for health care in America.

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Kids Forward advocates for effective, long-lasting solutions that break down barriers to success for children and families in Wisconsin. Using research and a community-informed approach, Kids Forward works to help every kid, every family, and every community thrive.