

U.S. Supreme Court Threatening Health Care of Millions

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Wisconsinites with pre-existing conditions, marketplace health insurance, at grave risk of having coverage taken away by right-wing federal judges.

Statewide: On Monday the U.S. Supreme Court agreed to hear a case being pushed by the Trump Administration that could take health care away from millions of people in America. The court will take oral arguments in October, and likely rule in early 2021, on a case that seeks to overturn the entire Affordable Care Act (ACA). The timing cynically capitulates to the Trump Administration's politically-motivated request to move until after the 2020 election what would be one of the most unpopular decisions in American history.

In December, a Republican dominated Fifth Circuit Court of Appeals panel [ruled in favor](#) of the Trump administration in Texas vs. United States, striking down the ACA's individual mandate. President Donald Trump and U.S. Attorney General William Barr are using the case as a vehicle for invalidating the entire ACA, including the popular protections against pre-existing condition discrimination.

If the ACA was struck down the following provisions would be eliminated from federal law:

- Guaranteeing coverage to individuals with pre-existing conditions, impacting an estimated 852,000 to 2.436 million Wisconsinites.
- Prohibition of price discrimination against individuals with pre-existing conditions. In

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Wisconsin, without this protection a patient with a pregnancy could be charged \$17,060 more, and someone with metastatic cancer could be charged \$140,510 more.

- Free coverage of preventative care such as mammograms and colonoscopies for 2,804,258 Wisconsinites.
- Mental health parity.
- Prohibition of gender discrimination in coverage and pricing.
- Prohibition of age discrimination in pricing, the so-called "age tax."
- Prohibition of lifetime and annual care limits.
- Protections against junk health care plans by requiring that all essential health benefits be covered.
- Substance abuse coverage.
- Resources and funds to hold insurance companies accountable to regulation.

In addition, 153,000 Wisconsinites would have their health coverage taken away if the ACA was struck down, according to [a recent study](#) by the Urban Institute.



Citizen Action is urging lawmakers to codify the ACA's consumer protections and health insurance regulations in state law to protect Wisconsinites in the event of a damaging U.S. Supreme Court decision. Senate Bill 37, sponsored by Sen. Jon Erpenbach, is a huge step in this direction. Citizen Action is also urging lawmakers to create a plan, triggered by an adverse court decision striking down the ACA, to replace marketplace plans for people who buy insurance on their own and the federal subsidies that make them more affordable.

"The nullification of the ACA by right-wing judges is a predictable human-made disaster that would wreak havoc with the lives and livelihoods of hundreds of thousands of Wisconsinites," said Robert Kraig, Executive Director, Citizen Action of Wisconsin. "We urge state lawmakers to take action to put the popular federal protections against pre-existing condition discrimination and other insurance industry abuses in state law, and beyond the reach of activist federal judges."