

How a Ruling in Favor of Republican Attorneys General in Texas v. HHS Could Impact the Health of Granite Staters

Republican officials --including attorneys general and governors-- in 20 states went to federal court in the northern district of Texas to repeal the Affordable Care Act in its entirety. In a December ruling, U.S. Northern District Court Judge Reed O'Connor used the courts to do what Republicans in Congress failed to do legislatively: strike down the Affordable Care Act. If O'Connor's ruling is not overturned, it will rip coverage from millions of Americans, raise costs, end protections for people with pre-existing conditions, put insurance companies back in charge, and force seniors to pay more for prescription drugs. The result will be to -- as the Trump Administration itself admitted in Court -- unleash "[chaos](#)" in our entire health care system.

If The Texas Ruling Is Not Overturned, 17.1 Million People Could Lose Their Coverage

- According to the Urban Institute, 17.1 million people would lose coverage in the first year by repealing the Affordable Care Act, leading to a [50 percent increase in the uninsured rate](#).

If The Texas Ruling Is Not Overturned, Insurance Companies Could Be Put Back In Charge, Ending Protections For The 130 Million People With A Pre-Existing Condition

- According to a recent [analysis](#) by the Center for American Progress, roughly half of nonelderly Americans, or as many as 130 million people, have a pre-existing condition. This includes:
 - 44 million people who have high blood pressure
 - 45 million people who have behavioral health disorders
 - 44 million people who have high cholesterol
 - 34 million people who have asthma and chronic lung disease
 - 34 million people who have osteoarthritis and other joint disorders
- **17 million children.** [One in four](#) children, or roughly 17 million, have a pre-existing condition.
- **68 million women.** [More than half](#) of women and girls nationally have a pre-existing condition.
- **30 million people aged 55-64.** [84 percent](#) of older adults, 30.5 million Americans between age 55 and 64, have a pre-existing condition.
- **572,200 Granite Staters** [have](#) a pre-existing condition.

If The Texas Ruling Is Not Overturned, Insurance Companies Could Have The Power To Deny Or Drop Coverage Because Of A Pre-Existing Condition

Before the Affordable Care Act, insurance companies routinely denied people coverage because of a pre-existing condition or canceled coverage when a person got sick. If Judge O'Connor's ruling is not overturned, insurance companies will be able to do this again.

- A 2010 congressional report found that the top four health insurance companies [denied coverage to one in seven consumers](#) on the individual market over a three year period.
- A 2009 congressional report found that the of the largest insurance companies had retroactively canceled coverage for [20,000 people](#) over the previous five year period

Conditions That Could Cost You Your Care:	Jobs You Could Be Denied Coverage Because Of:	Medications That You Could Be Denied Health Care For Taking:
<ul style="list-style-type: none"> • AIDS/HIV • Alcohol/drug Abuse • Cerebral Palsy • Cancer • Heart Disease • Diabetes • Epilepsy • Kidney Disease • Severe Epilepsy 	<ul style="list-style-type: none"> • Active military personnel • Air traffic controller • Body guard • Pilot • Meat packers • Taxi cab drivers • Steel metal workers • Law enforcement 	<ul style="list-style-type: none"> • Anti-arthritic medications • Anti-diabetic medications (including insulin) • Anti-cancer medications • Anti-coagulant and anti-thrombotic medications • Medications used to treat autism

<ul style="list-style-type: none"> • Sleep Apnea • Pregnancy • Muscular Dystrophy • Depression • Eating Disorders • Bipolar Disorder 	<ul style="list-style-type: none"> • Oil and gas exploration • Scuba divers 	<ul style="list-style-type: none"> • Anti-psychotics • Medications for HIV/AIDS • Growth hormone • Medication used to treat arthritis, anemia, and narcolepsy • Fertility Medication
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If The Texas Ruling Is Not Overturned, Insurance Companies Could Have The Power To Charge You More

- **More than 100 Million People With A Pre-Existing Condition Could Be Forced to Pay More.** An analysis by [Avalere](#) finds that “102 million individuals, not enrolled in major public programs like Medicaid or Medicare, have a pre-existing medical condition and could therefore face higher premiums or significant out-of-pocket costs” if Judge O’Connor’s ruling is not overturned.
- **Insurance Companies Could Charge Premium Surcharges in the Six Figures.** If Judge O’Connor’s ruling is upheld, insurance companies would be able to charge people more because of a pre-existing condition. The health repeal bill the House passed in 2017 had a similar provision, and an analysis by the Center for American Progress found that insurers could charge up to [\\$4,270 more for asthma](#), [\\$17,060 more for pregnancy](#), [\\$26,180 more for rheumatoid arthritis](#) and [\\$140,510 more for metastatic cancer](#).
- **Women Could Be Charged More Than Men for the Same Coverage.** Prior to the ACA, women were often charged premiums on the nongroup market of [up to 50 percent higher](#) than they charged men for the same coverage.
- **People Over the Age of 50 Could Face a \$4,000 “Age Tax,” Including \$2,750 in New Hampshire.** Because Judge O’Connor sided with Republican lawmakers, insurance companies could be able to charge people over 50 more than younger people. The Affordable Care Act limited the amount older people could be charged to three times more than younger people. If insurers were to charge five times more, as was proposed in the Republican repeal bills, that would add an average “age tax” of [\\$4,124](#) for a 60-year-old in the individual market, including \$2,750 in New Hampshire, according to the AARP.
- **Nine Million People in the Marketplaces Would Pay More for Coverage, Including 32,090 Granite Staters.** If Judge O’Connor’s ruling is upheld, consumers would no longer have access to tax credits that help them pay their marketplace premiums, meaning roughly [nine million people](#) who receive these tax credits to pay for coverage will have to pay more, including 32,090 in New Hampshire.
- **Seniors Would Have to Pay More for Prescription Drugs.** If Judge O’Connor’s ruling is upheld, seniors would have to pay more for prescription drugs because the Medicare “donut” hole would be reopened. From 2010 to 2016, “More than 11.8 million Medicare beneficiaries have received discounts over \$26.8 billion on prescription drugs – an average of \$2,272 per beneficiary,” according to a [January 2017 CMS report](#). In New Hampshire, 21,150 seniors each saved an average of \$1,139.

If The Texas Ruling Is Not Overturned, Insurance Companies Could Have the Power to Limit the Care You Get, Even If You Have Insurance Through Your Employer

- **Insurance Companies Do Not Have to Provide the Coverage You Need.** The Affordable Care Act made comprehensive coverage more available by requiring insurance companies to include “essential health benefits” in their plans, such as maternity care, hospitalization, substance abuse care and prescription drug coverage. Before the ACA, people had to pay extra for separate coverage for these benefits. For example, in 2013, [75 percent](#) of non-group plans did not cover maternity care, [45 percent](#) did not cover substance abuse disorder services, and [38 percent](#) did not cover mental health services. [Six percent](#) did not even cover generic drugs.
- **Reinstate Lifetime and Annual Limits.** Repealing the Affordable Care Act means insurance companies would be able to impose annual and lifetime limits on coverage.
- **Large Employers Could Choose to Follow Any State’s Guidance, Enabling Them Put Annual and Lifetime Limits on Their Employees’ Health Care.** Without the ACA’s definition of essential health benefits (EHB) in even some states, states could eliminate them altogether. Large employers could [choose to apply](#) any state’s standard, making state regulations essentially meaningless. Because the prohibition on annual and lifetime limits only applies to essential health benefits, this change would allow employers to reinstate annual and lifetime limits on their employees’ coverage.

If The Texas Ruling Is Not Overturned, Medicaid Expansion Could Be Repealed

- Fifteen million people have coverage through the expanded Medicaid program, [including](#) 53,900 in New Hampshire.