

Protect Our Care Wisconsin: Fifth circuit ruling on Trump's health care repeal lawsuit puts health care coverage for millions in grave doubt

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MADISON, WI — Today, the Fifth Circuit Court of Appeals **[ruled in favor](#)** of the Trump administration and Republicans in Texas vs. United States, striking down as unconstitutional the ACA's individual mandate and remanding to the lower court judge a final decision on what parts of the ACA should be eliminated – the very judge who has already ruled the entire law unconstitutional. The fix is in.

In response to the court's decision, Protect Our Care Chair Leslie Dach released the following statement:

“This decision all but assures the entire health care law will be repealed. The Fifth Circuit Court of Appeals sided with President Trump and Republicans in declaring a key portion of the ACA unconstitutional and sent the rest back to a judge who has already ruled the entire law unconstitutional. The fix is in. Thanks to Trump and Republicans, every part of the of the ACA is on the chopping block.

“If the Trump administration and Republicans have their way in the end, 20 million Americans will lose their insurance coverage, 135 million Americans with pre-existing conditions will be stripped of their protections, and costs will go up for

millions.

“Make no mistake, this is Donald Trump’s health care plan. President Trump and Republicans own this lawsuit and all of its devastating consequences ; kick people off their coverage, take protections away from people with pre-existing conditions, and line the pockets of insurance and drug companies. From start to finish, this was a partisan lawsuit with the sole purpose of ripping health care away from American families.”

BACKGROUND:

President Trump is trying to rip apart our health care by going to court to eliminate the Affordable Care Act in its entirety. If the court upholds its prior decision, it will **strip coverage** from millions of Americans, raise premiums, 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 Trump And His GOP Allies Have Their Way...Protections for more than 135 million people with preexisting conditions would be ripped away. Millions would pay more for drugs. More than 20 million would lose coverage altogether. Insurance companies would be able to sell policies that don’t cover you when you are sick and don’t even have to cover prescription drugs, cancer treatments or maternity care.

The Trump Health Care Plan: higher costs, less coverage, gutting protections for pre-existing conditions and insurance companies having all the power.

Under The Trump Health Care Plan:

- **GONE:** Protections for 135 million Americans with pre-existing conditions will be gutted.
GONE: More than 20 million Americans will lose coverage. The uninsured rate will increase by 65 percent.
- **GONE:** Medicaid expansion, which covers 17 million people.
- **GONE:** Nearly 12 million seniors will have to pay more for prescription drugs because the Medicare 'donut hole' will be reopened.
- **GONE:** Protections for older Americans that prevent them from being charged an "age tax."
- **GONE:** 2.3 million adult children will no longer be able to stay on their parents' insurance.
- **GONE:** Insurance companies will be able to charge women more than men.
- **GONE:** Financial assistance that helps 9 million people purchase health care in the marketplace will go away.
- **GONE:** Key support for rural hospitals will be eliminated. As Americans lose coverage, already struggling hospitals will be hit even harder as their costs increase.
- **GONE:** Ban on insurance companies having lifetime caps on coverage.

- **GONE:** Requirements that insurance companies cover prescription drugs and maternity care.

And There's More:

- **GONE:** Rules that ensure your hard-earned premium dollars go to your health care, not insurance company profits.
GONE: Contraception coverage for 60 million people who now have access to birth control with no out-of-pocket costs.
- **GONE:** Consumer protections that prohibit drug companies from paying off doctors behind closed doors to influence the drugs they prescribe to patients.
- **GONE:** A ban on discrimination against women, LGBTQ Americans, and individuals with disabilities in health care settings.
- **GONE:** Essential protections for breastfeeding parents, including workplace standards and access to breast pumps with no out-of-pocket costs.
- **GONE:** Legal authorization for the Indian Health Service, which provides basic health care services to 2.6 Million American Indians And Alaska Natives.
- **GONE:** Medicare and Medicaid's authority to test key programs that save money and help Americans receive better care.
- **GONE:** Calorie counts on menus at restaurants.

Additional Details

- 138 Million Americans Could Once Again Have To Pay For Preventive Care. Because of the ACA, health plans must cover preventive services — like flu shots, cancer screenings, contraception, and mammograms - at no cost to consumers. This **includes nearly** 138 million Americans, most of whom have employer coverage.
- Women Could Be Charged More Than Men For The Same Coverage. Prior to the ACA, women, for example, were often charged premiums on the nongroup market of **up to 50 percent higher** than they charged men for the same coverage.
- Nine Million People In The Marketplaces Would Pay More For Coverage. Thanks to the Republican lawsuit, consumers 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.
- Seniors Will Have To Pay More For Prescription Drugs. Thanks to the Republican lawsuit, seniors will 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 Centers on Medicare and Medicaid Services report**.