



## Health Care on the Ballot:

# Protecting Access to Affordable Health Care

The future of our nation's health and health care is on the line in this election – across the states, for the 119th Congress, in our courts, and in the White House. Critical priorities are at stake, including the significant gains made under the Affordable Care Act (ACA) – a landmark law passed in 2010 that has given millions of families across the United States access to more affordable and higher quality health care than ever before.

### Thanks to the ACA, for the last 14 years:

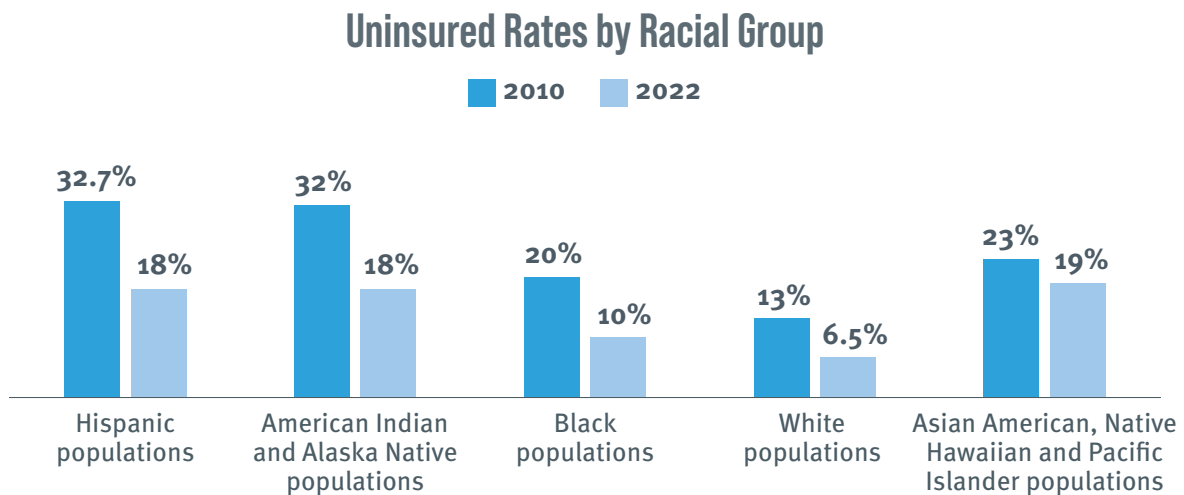
- » People with pre-existing conditions can no longer be denied coverage and women can no longer be charged higher premiums than men.
- » Insurers can no longer take back coverage if they learn someone has a health condition that they did not disclose when they applied for coverage and leave them on the hook for the full cost of their care.
- » Insurance plans cannot place arbitrary annual and lifetime limits on the amount of care they cover, which put older adults, people with disabilities and those living with chronic illness at particular risk.
- » Families who get insurance coverage on their own no longer have to pay the full cost of pregnancy, delivery and postpartum care – which can cost as much as \$19,000<sup>1</sup> or even more.

### The ACA has helped connect more families to high quality health insurance and affordable health care than ever before:

#### 1. Record coverage

- a. The ACA cut the uninsurance rate for people under 65 nearly in half, from 18% in 2010 to 9.5% by 2022,<sup>2</sup> resulting in more than 45 million people with access to health care through the ACA marketplace and Medicaid expansion as of February 2024.<sup>3</sup>

- b. Young adults can stay covered by their parents' insurance plans until the age of 26
- c. Nearly 20 million people gained coverage due to Medicaid expansion.<sup>4</sup>
- d. These Insurance gains have helped reduce long-standing inequities in health care access with the most dramatic gains across all racial groups. (2010-2022). Uninsured rates dropped significantly for the following groups:<sup>5</sup>



## 2. Record Protections

- a. Health insurance companies can no longer refuse to cover pre-existing conditions, nor take back coverage when people get sick. This protects up to 129 million people under 65 that have a pre-existing condition.<sup>6</sup> And the more than one out of every four non-elderly adults that has a health condition that would have led an insurer to deny them coverage, as of 2019.<sup>7</sup>
- b. Health insurers can no longer charge women higher premiums than they charge men.
- c. Insurance plans in the health care marketplaces are now required to cover a comprehensive set of essential health benefits including emergency care, outpatient services, hospitalization, mental health supports, maternal and newborn care, pediatrics, lab tests, and prescription drugs.

### 3. Record Savings

- a. Individuals are entitled to free preventive care, services such as screenings for diabetes, cancer, high blood pressure, obesity, and substance abuse, as well as birth control.
- b. Through advanced premium tax enhancements made through the American Rescue Plan Act and the Inflation Reduction Act (known as APTCs), 15.5 million people get an average of \$504 per month of premium tax credits when they enroll in the ACA marketplace plans. These premium subsidies mean that instead of paying the full cost of health care premiums, they get their coverage for an average of \$111 per month, or less if they have more limited incomes.<sup>8</sup>

**Yet despite the tremendous progress we've made and the broad popularity of the changes included in the law, politically motivated attacks on the ACA and its consumer protections continue:**

#### 1. Constant legal attacks

- a. The law has been challenged in court more than 2000 times.<sup>9</sup> The next Supreme Court docket could include another case that is attempting to repeal critical essential health benefit protections, including for women and reproductive health care.<sup>10</sup>

#### 2. Attempted full repeal

- a. In 2017, the Trump administration and House Republican majority celebrated near-repeal of the ACA, while the Senate Republican majority failed by a narrow one vote margin to repeal it. Former President Trump has made repeated statements that if given the opportunity, he still supports repealing or removing substantial protections from the ACA.<sup>11,12</sup>

#### 3. Creating coverage loopholes

- a. Since the ACA was created, health insurance companies have attempted to find ways to skirt the comprehensive coverage protections of the ACA By selling cheaper plans that fail to deliver meaningful coverage to people who really need it. The Trump administration broadened definitions for these “junk” plans which allow more types of insurers to qualify for selling insurance plans with incomplete health coverage. The sale of “junk” insurance plans was reined in by the Biden administration to ensure families are not deceptively into incomplete coverage.<sup>13</sup>

## Endnotes

- <sup>1</sup> Matthew Rae, Cynthia Cox, and Hanna Dingel, “Health costs associated with pregnancy, childbirth, and postpartum care,” Peterson-KFF, July 13, 2022, <https://www.healthsystemtracker.org/brief/health-costs-associated-with-pregnancy-childbirth-and-postpartum-care/>.
- <sup>2</sup> American Community Survey, American Community Survey Tables for Health Insurance Coverage (census.gov), 2022, <https://www.census.gov/data/tables/time-series/demo/health-insurance/acs-hi.html>.
- <sup>3</sup> Assistant Secretary for Planning and Evaluation, “Health Coverage Under the Affordable Care Act: Current Enrollment Trends and State Estimates,” March 22, 2024 <https://aspe.hhs.gov/sites/default/files/documents/a6589500bb65294dec49d174c6ea84c1/aspe-health-coverage-under-aca.pdf>.
- <sup>4</sup> Department of Health and Human Services, “Biden-Harris Administration Releases Data Showing Historic Gains in Health Care Coverage in Minority Communities,” June 7, 2024, <https://www.hhs.gov/about/news/2024/06/07/biden-harris-administration-releases-data-showing-historic-gains-health-care-coverage-minority-communities.html>.
- <sup>5</sup> Center for Medicare and Medicaid Services, “At Risk: Pre-Existing Conditions Could Affect 1 in 2 Americans,” <https://www.cms.gov/cciio/resources/forms-reports-and-other-resources/preexisting>.
- <sup>6</sup> Gary Claxton, Cynthia Cox, Anthony Damico, Larry Levitt, and Karen Pollitz, “Pre-Existing Condition Prevalence for Individuals and Families,” KFF, October 9, 2019, <https://www.kff.org/affordable-care-act/issue-brief/pre-existing-condition-prevalence-for-individuals-and-families/>.
- <sup>7</sup> “Women’s Health Insurance Coverage,” KFF, December 13, 2023, <https://www.kff.org/womens-health-policy/fact-sheet/womens-health-insurance-coverage/>.
- <sup>8</sup> “Estimated Total Premium Tax Credits Received by Marketplace Enrollees,” KFF, <https://www.kff.org/affordable-care-act/state-indicator/average-monthly-advance-premium-tax-credit-aptc/?currentTimeframe=0&sortModel=%7B%22coll%22:%22Location%22,%22sort%22:%22asc%22%7D>.
- <sup>9</sup> Jasmin Destany Kamruddin, “Continued Legal Challenges to The Affordable Care Act,” Tufts School of Medicine Center for Health Systems and Policy, June 23, 2023, <https://sites.tufts.edu/chsp/2023/06/23/continued-legal-challenges-to-the-affordable-care-act/>.
- <sup>10</sup> Laurie Sobel, Usha Ranji, Kaye Pestaina, Lindsey Dawson, and Juliette Cubanski, “Explaining Litigation Challenging the ACA’s Preventive Services Requirements: Braidwood Management Inc. v. Becerra,” KFF, May 15, 2023, <https://www.kff.org/womens-health-policy/issue-brief/explaining-litigation-challenging-the-acas-preventive-services-requirements-braidwood-management-inc-v-becerra/>.
- <sup>11</sup> Sahil Kapur, “Trump doubles down, saying ‘Obamacare Sucks’ and must be replaced,” NBC News, November 29, 2023, <https://www.nbcnews.com/politics/congress/trump-doubles-saying-obamacare-sucks-must-replaced-rcna126978>.
- <sup>12</sup> Dan Diamond, “Obamacare enrollment hits record level as Trump vows repeal,” The Washington Post, January 24, 2024, <https://www.washingtonpost.com/health/2024/01/24/obamacare-record-enrollment-biden/>.
- <sup>13</sup> “Department Of Labor Takes Additional Steps To Protect Critical Affordable Care Act Consumer Protections Through Association Health Plan Rule Rescission,” Department of Labor, April 29, 2024, <https://www.dol.gov/newsroom/releases/ebsa/ebsa20240429>.

