

WEST VIRGINIANS FOR AFFORDABLE HEALTH CARE & WEST VIRGINIANS TOGETHER FOR MEDICAID STATEMENT ON FEDERAL APPEALS COURT RULING STRIKING DOWN ONLY THE ACA INDIVIDUAL MANDATE; FOR NOW THE REST OF THE AFFORDABLE CARE ACT STANDS

Ultimate Fate of the ACA in Doubt as Court Remands to Lower Court to Decide “Severability”

Charleston, WV – Last night, the United States Fifth Circuit Court of Appeals issued a ruling striking down only the individual mandate provision of the Affordable Care Act (ACA). The Court ruled that the individual mandate to buy health insurance cannot stand without the penalty attached to it. Congress repealed the penalty in 2017. The Court did not strike down the rest of the Affordable Care Act. In practical terms, the ACA stands today for consumers same as it did yesterday.

However, the Court did remand the case to the lower court to decide if the entire ACA could continue without the individual mandate provision (that is, to determine if the provision was intended by Congress to be “severable” from the rest of the ACA). In fact, Congress has already made their intent clear by voting to eliminate the individual mandate penalty and leaving the rest of the ACA in place. The suit to strike down the ACA was originally brought by attorneys general in 20 conservative states, including West Virginia Attorney General Patrick Morrisey, and the Trump Administration has called for repeal of the entire ACA.

With this decision to remand the case back to the lower court, the case may not go forward to the U.S. Supreme Court in 2020 and before the election in November. Thus, the ultimate fate of the Affordable Care Act may be decided at the ballot boxes.

“This ruling leaves the fate of pre-existing condition protections for millions of consumers in frightening uncertainty. People who qualified for insurance through the ACA’s expansion of Medicaid are left to worry about their future. In West Virginia, one-third of the population has a pre-existing condition that is insurance discrimination by the ACA – that is, from high premiums, exclusions of coverage, and denials

of coverage. More than 150,000 people are currently enrolled in health insurance under the Medicaid expansion. The ACA is critical to the financial survival of our rural hospitals and clinics. When will the attacks on the ACA stop so that hard-working people do not live in fear of being thrown from the insurance rolls, facing sky-high premiums for pre-existing conditions, and loss of jobs from rural hospital closures,” West Virginians for Affordable Health Care Executive Director Jessica Ice stated.

“Despite continual legal, legislative, and partisan political attacks, for now the ACA remains the law of the land – ensuring that West Virginians and all Americans can receive quality, affordable health coverage. Medicaid is the cornerstone of health care delivery in West Virginia. With over 1/3 of the state’s population receiving coverage through the program, its importance is vital to improving health outcomes and saving lives. Today the Fifth Circuit Court of Appeals left West Virginia families holding their breath to see if they will be caught in partisan political crossfire and lose their pre-existing condition protections and Medicaid,” said Kat Stoll, Director of West Virginians Together for Medicaid.

Further updates will be forthcoming. The case is titled *Texas vs. United States*. ###