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Justice Department Argues to Roll Back Critical Patient Protections in Health Care Law

People with Pre-existing Conditions and Serious Illnesses Could Be Denied Coverage, Charged More

Washington, D.C., June 8, 2018—The Department of Justice (DOJ) announced last night it will not defend several critical patient protections in the health law and instead is arguing to end them.

Twenty states led by the Attorney General (AG) of Texas filed a lawsuit challenging the Affordable Care Act (ACA) in federal court in Texas. The plaintiffs in *Texas vs. USA* argue that because Congress repealed the individual mandate's tax penalty as part of tax reform legislation in December 2017, the entire law is invalid and must be struck down.

As a representative of the administration, the DOJ typically defends the law of the land, but in this case chose to argue in support of the plaintiffs who are making the case that key patient protections, including those that prohibit insurers from charging people more based on their health status and denying coverage for people with pre-existing conditions, be eliminated.

If successful, the case could leave millions of Americans with serious illnesses unable to obtain health care coverage.

A joint statement from the American Cancer Society Cancer Action Network, American Diabetes Association, American Heart Association, American Lung Association and the National Multiple Sclerosis Society follows:

“The decision by the Department of Justice to abandon critical patient protections is devastating for the millions of Americans who suffer from serious illnesses or have preexisting conditions and rely on those protections under current law to obtain life-saving health care.

“Members of Congress on both sides of the aisle have been emphatic that critical protections should not be repealed without a replacement that would ensure patients can continue to have access to care. If the court strikes down these protections, that exact repeal without replace scenario will occur.

“Should this case be successful, people with cancer, heart disease, diabetes, lung disease and any serious or chronic condition are likely to be denied coverage due to their pre-existing conditions or charged such high premiums because of their health status that they will be unable to afford any coverage that may be offered.

“Without access to comprehensive coverage patients will be forced to delay, skip or forego care. This was often the case before the law took effect and would likely be the same should these essential protections be eliminated.

“On behalf of the millions of Americans we represent, we urge the administration to reconsider its position. Striking down these provisions would be catastrophic and have dire consequences for many patients with serious illnesses.”

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