

The *California v. Texas* Supreme Court Case and Its Implications for the ACA

November 9, 2020

KFF

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Agenda

Introduction

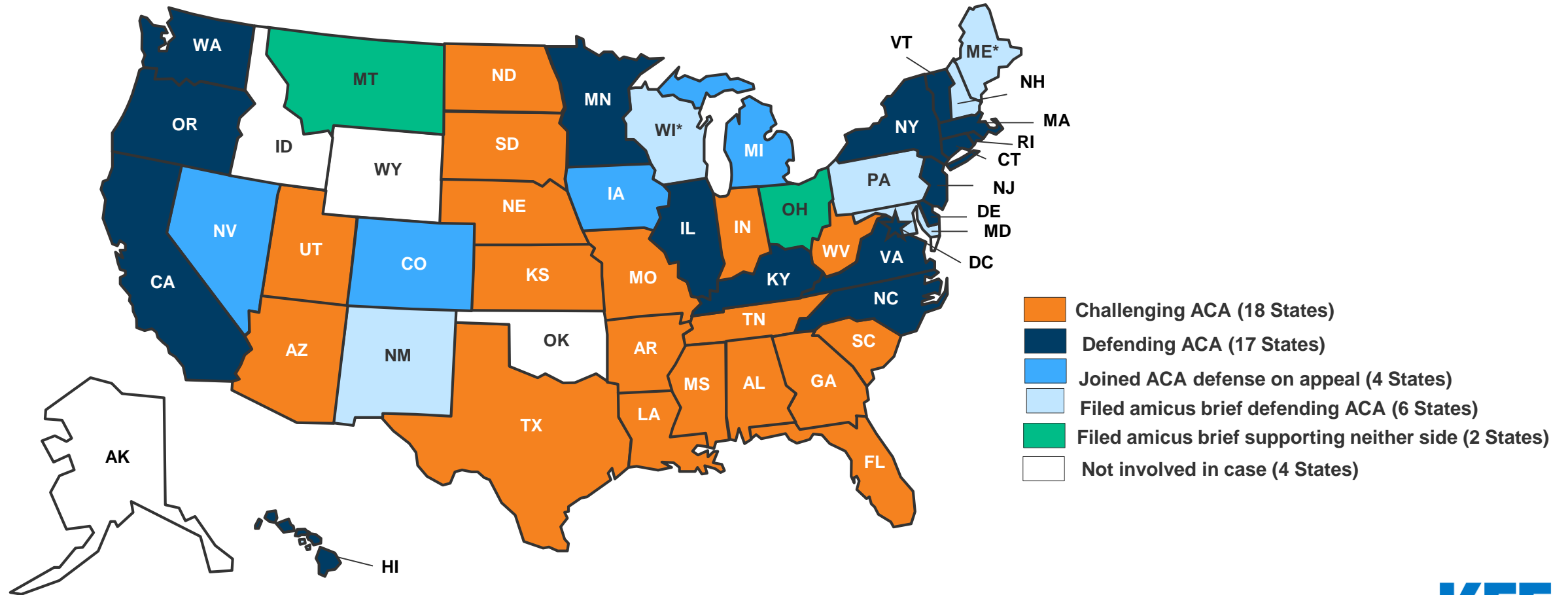
- Larry Levitt, Executive Vice President for Health Policy

Presentations

- MaryBeth Musumeci, Associate Director of the Program on Medicaid and the Uninsured
- Robin Rudowitz, Vice President and Co-Director of the Program on Medicaid and the Uninsured
- Cynthia Cox, Vice President and Director of the Program on the ACA

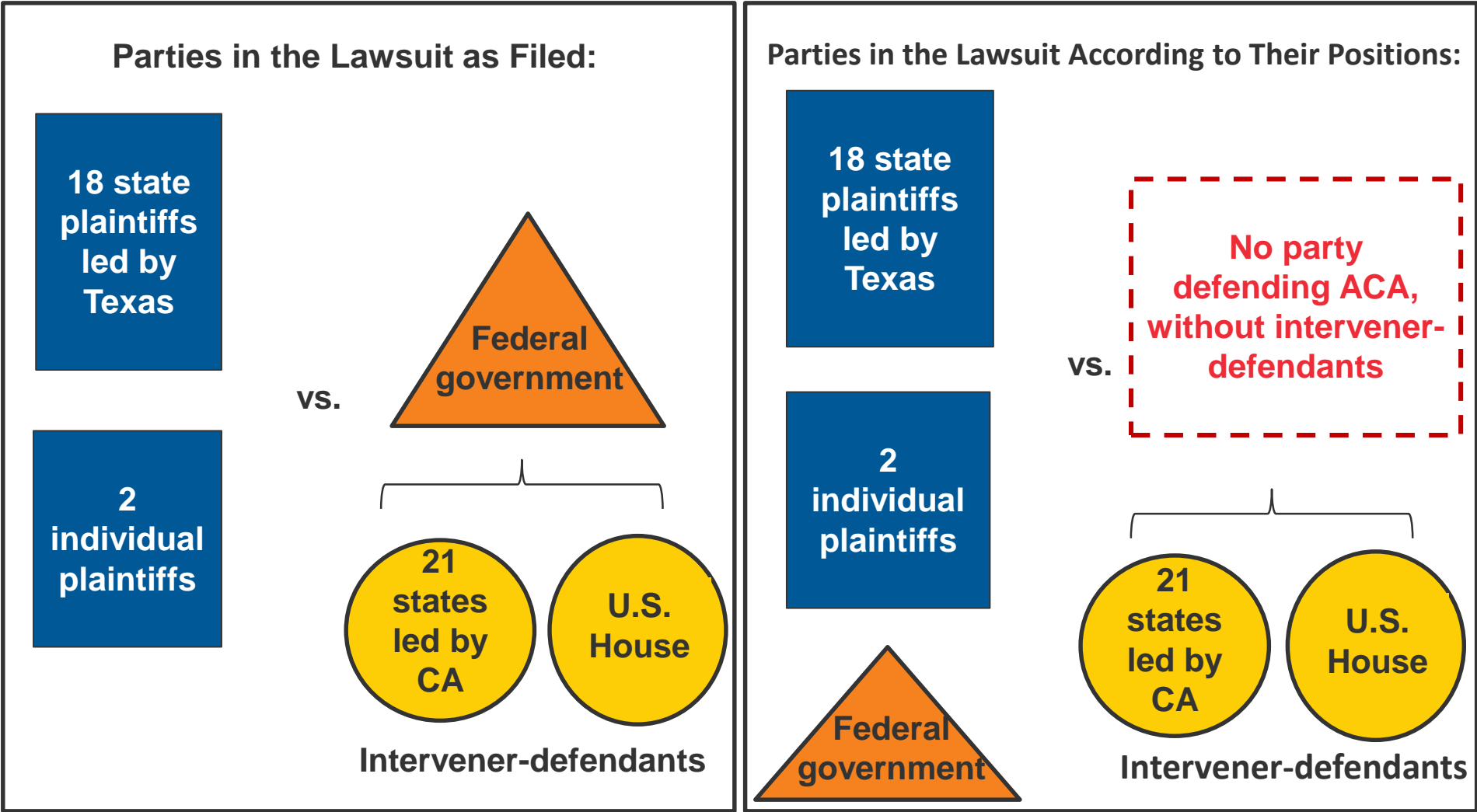
Audience Q&A

Some states are challenging the ACA in *California v. Texas*, while others are defending it.



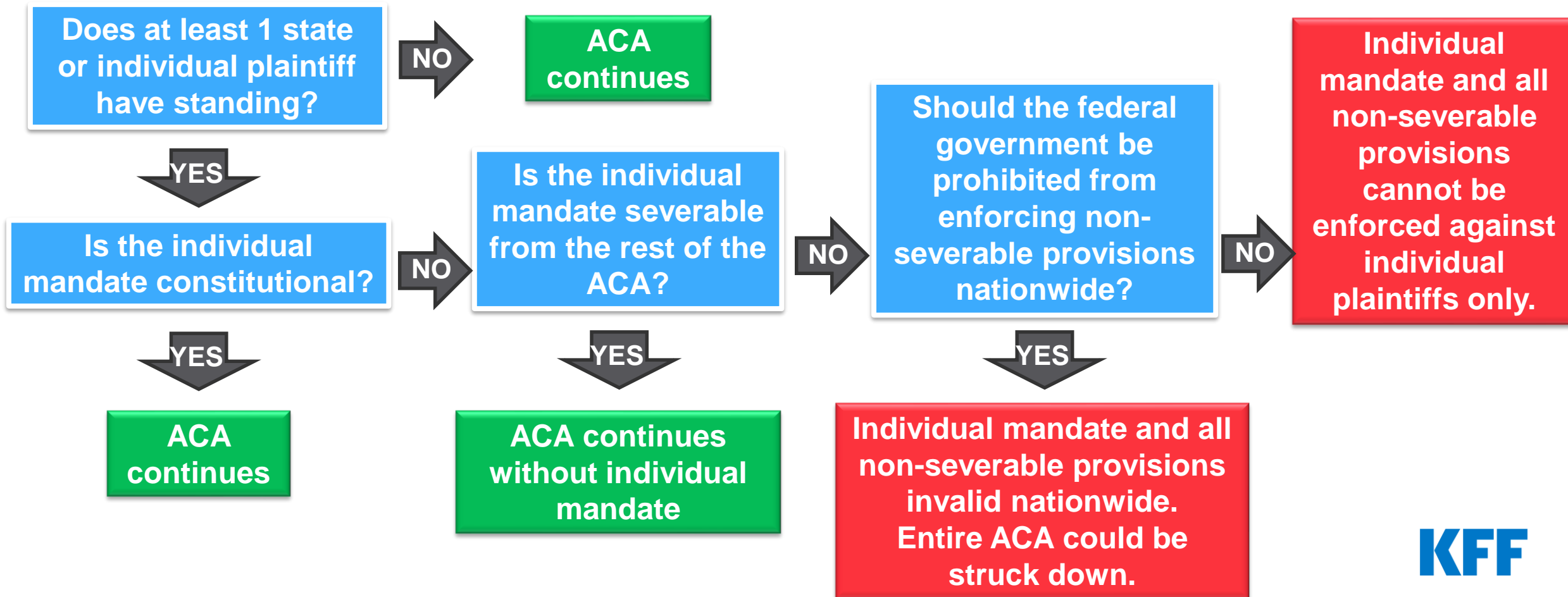
NOTE: *ME and WI initially challenged the ACA but subsequently withdrew from the lawsuit

The federal government is not defending the ACA in *California v. Texas*.

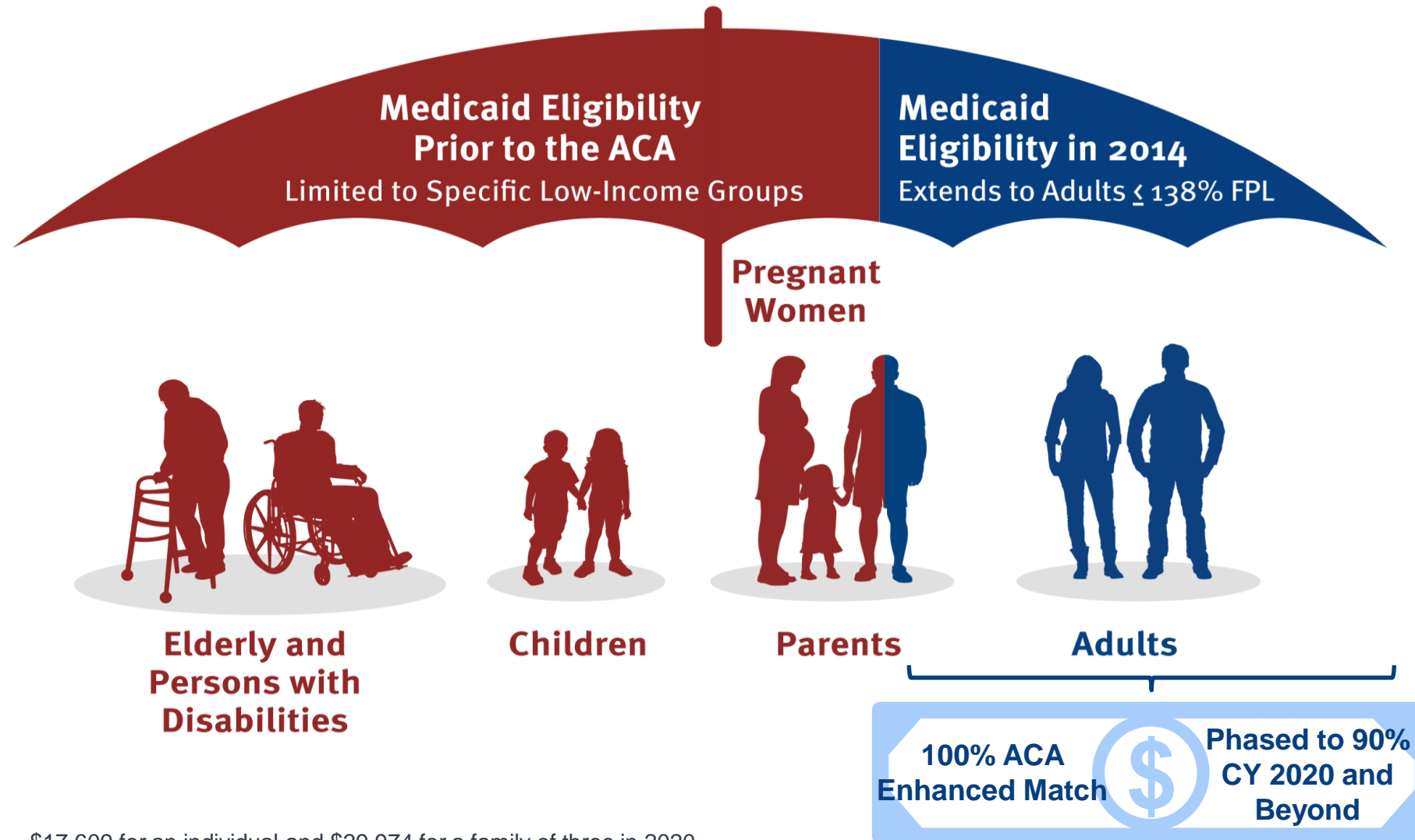


The Supreme Court is faced with procedural and substantive questions to resolve *California v. Texas*.

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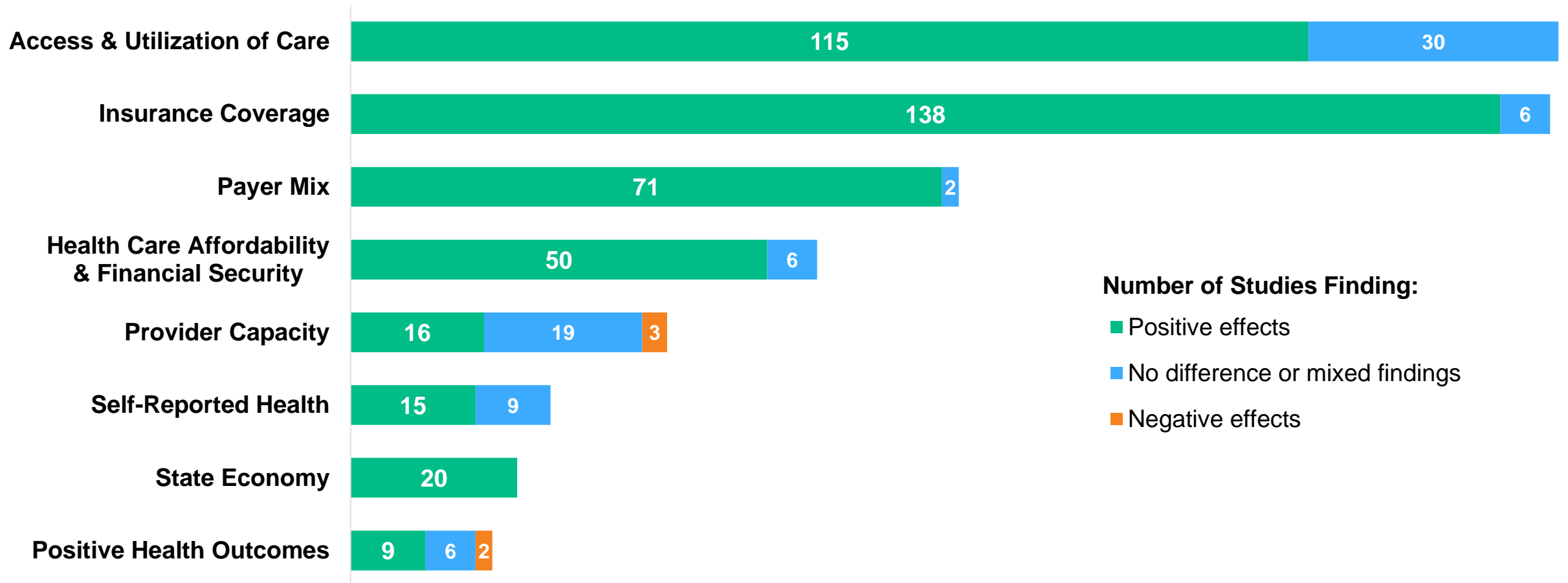


The ACA Medicaid expansion was designed to fill the gaps in Medicaid coverage with enhanced federal matching funds.



NOTE: 138% FPL = \$17,609 for an individual and \$29,974 for a family of three in 2020

Studies generally find positive effects of the ACA Medicaid expansion on different outcomes.



SOURCE: KFF analysis of 404 studies of the impact of state Medicaid expansion published between January 2014 and January 2020.

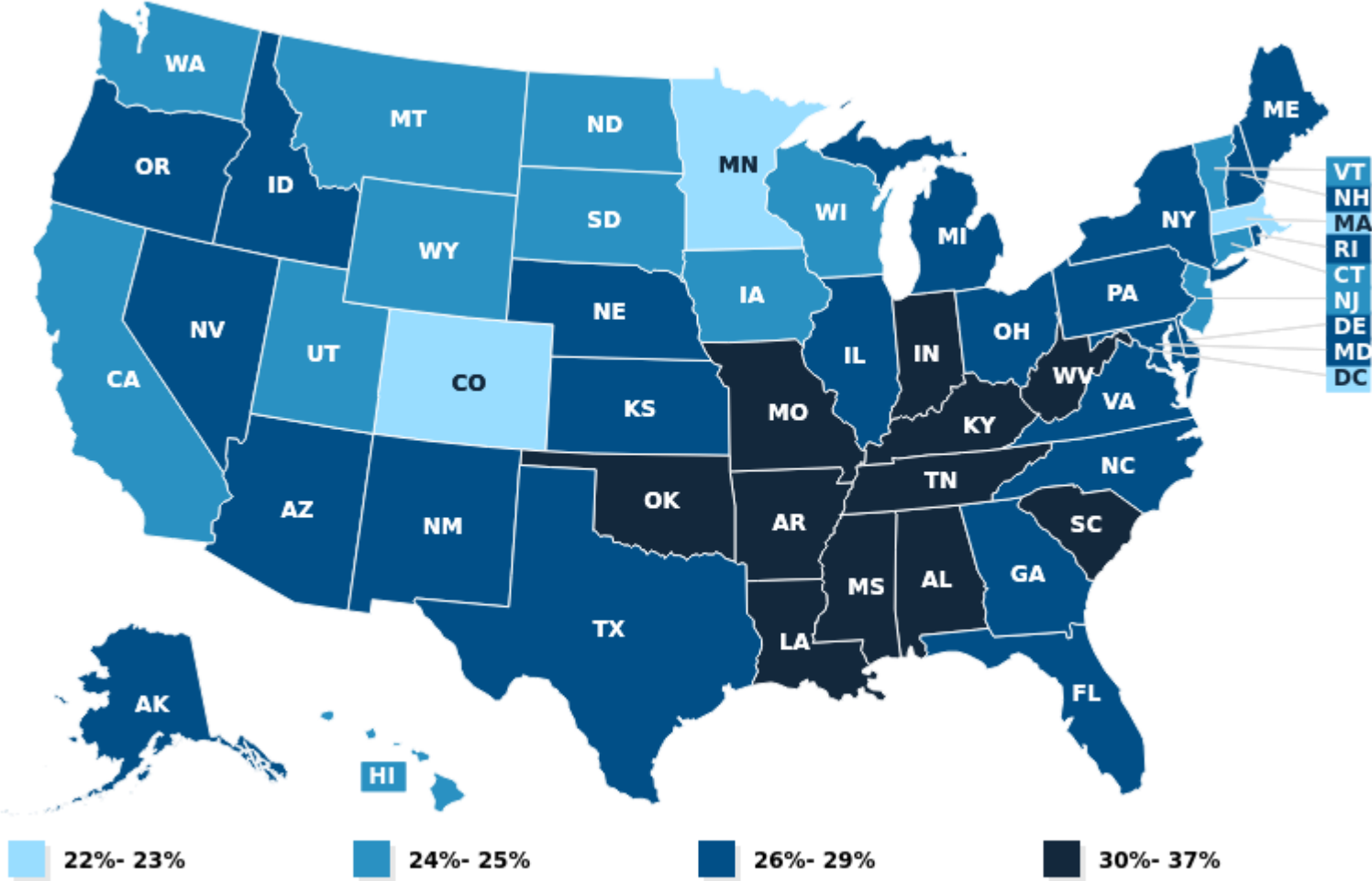


What are the potential implications for Medicaid of overturning the ACA?

- At least **15 million** adults currently covered by Medicaid lose a federal pathway to Medicaid eligibility
 - 12 million were made newly eligible by the ACA while the remainder had pre-ACA coverage through waivers
 - States would need to seek waivers or develop state-only programs to cover adults without children
 - States could extend eligibility for some parents at the regular match rate
- States would lose nearly **\$80 billion** in enhanced federal matching funds for expansion adults
 - For adults without children, waivers would be matched at the traditional match rate and state programs would require state-only funds (with no match)
 - For parents, states would lose enhanced matching funds
 - States are facing revenue shortfalls due to economic downturn
- Most adults who lose Medicaid coverage would likely become uninsured
 - Individuals who lose jobs due to the economic downturn would have fewer coverage options
 - Though most adults with Medicaid work, few have access to employer coverage
 - Private coverage is prohibitively expensive for low-income people
 - Many adults with Medicaid also have pre-existing conditions

27% of non-elderly Adults have a Pre-existing Condition that would have left them uninsurable in pre-ACA individual market

Estimated Number of Nonelderly Adults with Declinable Pre-existing Conditions under Pre-ACA Practices

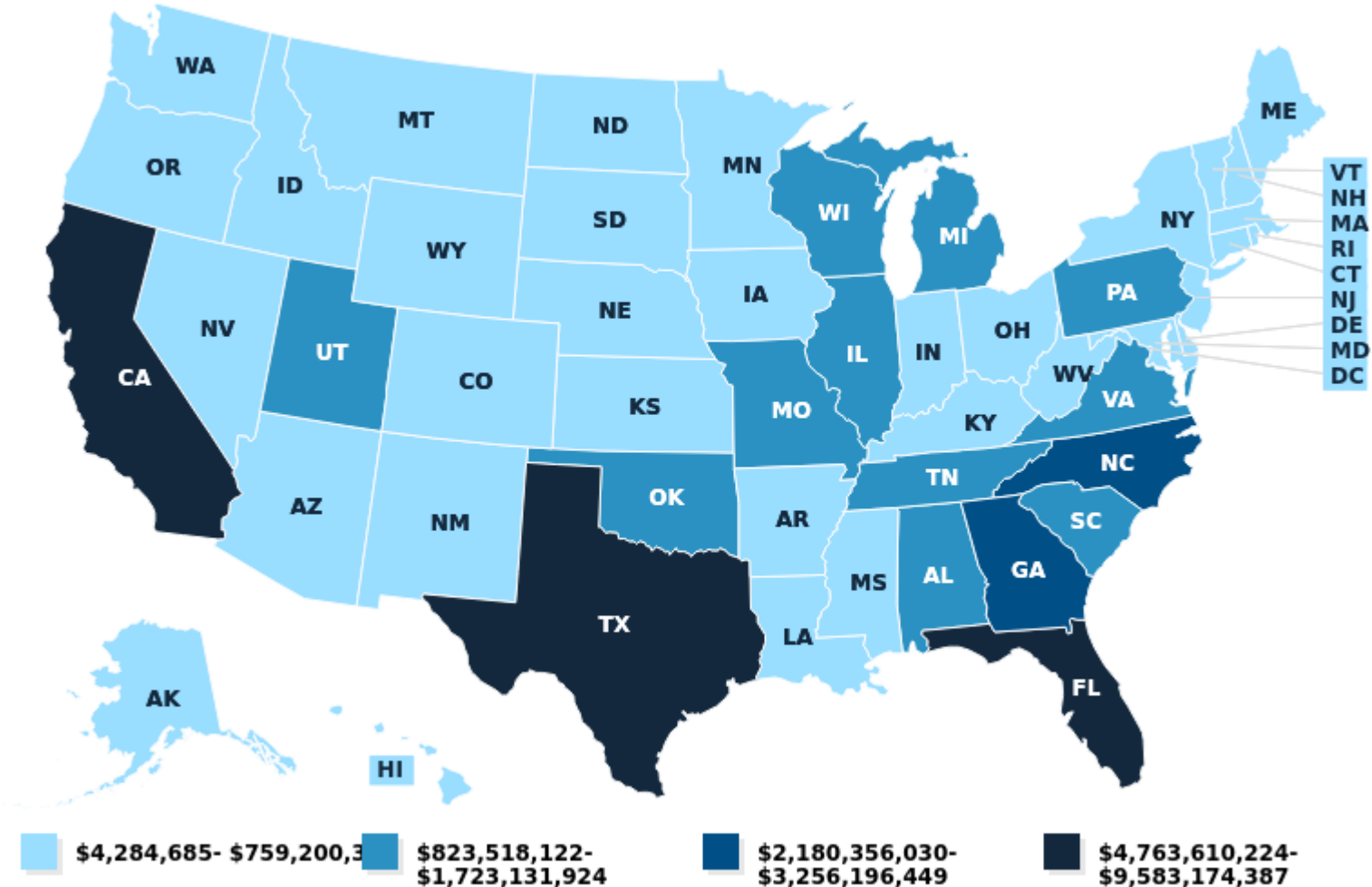


SOURCE: Kaiser Family Foundation's State Health Facts.



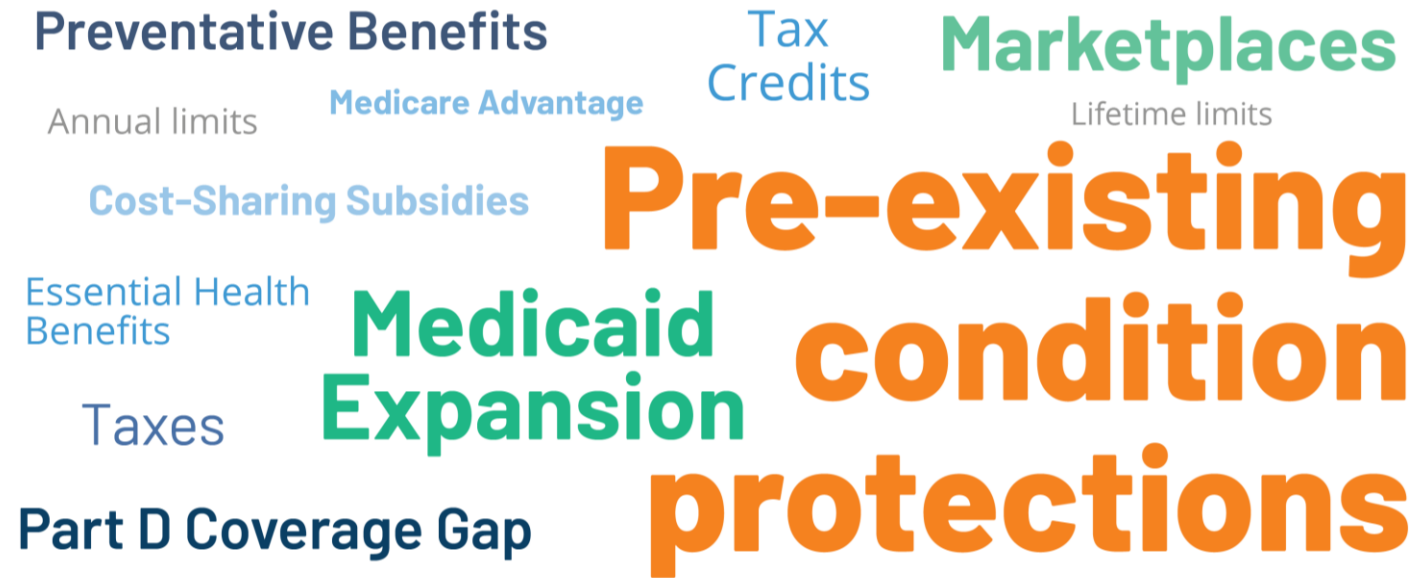
If the ACA is overturned, states would be unable to replace federal funding needed to make pre-ex protections affordable

Estimated Total Premium Tax Credits Received by Marketplace Enrollees:



SOURCE: Kaiser Family Foundation's State Health Facts.

The ACA's reforms affect nearly every American in some way



For more, see our brief with national & state level data:

Potential Impact of California v. Texas Decision on Key Provisions of the Affordable Care Act

Q&A

Moderator

- Larry Levitt, Executive Vice President for Health Policy

Panelists

- MaryBeth Musumeci, Associate Director of the Program on Medicaid and the Uninsured
- Robin Rudowitz, Vice President and Co-Director of the Program on Medicaid and the Uninsured
- Cynthia Cox, Vice President and Director of the Program on the ACA

Additional KFF Policy Experts

- Samantha Artiga, Vice President and Director of the Racial Equity and Health Policy Program
- Ashley Kirzinger, Associate Director for Public Opinion and Survey Research
- Tricia Neuman, Senior Vice President and Executive Director of the Program on Medicare Policy
- Alina Salganicoff, Senior Vice President and Director of Women's Health Policy

Contact Information and Additional Resources

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An archived version of the webinar will be posted online later today. We will notify attendees by email when it is available.

For more analysis of the *California v. Texas* case and other national health issues, visit our website:

KFF.org

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