

# What Would New York Lose Without the ACA?



Building Quality, Affordable Health Care for ALL New Yorkers

Once again, the constitutionality of the Affordable Care Act (the ACA or Obamacare) is before the U.S. Supreme Court with arguments heard on November 10, 2020.

## **The Case: California v. Texas.**

The case considers whether the ACA is still good law since the tax penalty enforcing the individual mandate was eliminated. The individual mandate is the rule that most people must have health coverage. While the Court could throw out the entire ACA, as the State of Texas asks, many legal scholars believe the most likely outcome is that the Court will simply “sever” or eliminate the individual mandate and leave the rest of the law untouched. This decision would then have no meaningful impact on health coverage in New York. The Court may not reach any decision until next spring. And, until then, nothing has changed – New York still has all the same coverage options as before. You can explore those options and enroll in health coverage here: <https://nystateofhealth.ny.gov/>.

However, the Supreme Court could rule that the entire ACA must be overturned. If that were to happen, life would become much more difficult for 20 million Americans and 5 million New Yorkers. Here’s what would happen, just in New York.

## **Coverage Losses**

The ACA created public and private coverage options that would disappear if the law were overturned:

- **2.1 million New Yorkers would lose**

**Medicaid coverage.** The ACA helped states finance the expansion of their Medicaid programs. In New York, the people who would lose coverage if this expansion were reverse include: single people without children; pregnant women with incomes over 133% of the federal poverty level (FPL); and parents with incomes over 83% of the FPL.

- **850,000 people would lose Essential Plan coverage.** The ACA also offered funding to states who wanted to offer an affordable coverage option to people who are ineligible for Medicaid with incomes below 200% of FPL (\$25,000 per year). In New York this program is called the Essential Plan and covers 850,000 people, the majority of whom would lose coverage if the ACA were to be repealed or overturned in the courts.
- **300,000 people in the commercial individual market would quickly lose coverage.** The ACA also provides over \$600 million in financial assistance to New Yorkers with incomes higher than the Medicaid and Essential Plan levels. In New York, over 150,000 people get this financial assistance. It has helped us create a quite large individual market, which brings prices down for everyone. Without this financial assistance—called Advance Premium Tax Credits and Cost Sharing Reductions—our individual market would likely collapse, causing the 300,000 people who buy their own coverage to quit doing so.



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# New York and the ACA

## Hospital Sustainability

Health insurance doesn't just protect the individuals who enroll. More coverage means fewer people end up at our hospitals without any way to pay. If millions of New Yorkers suddenly lost health insurance, New York's hospitals would end up with many more patients in need of care without a way to pay for it. While a lot of our safety net hospitals are still struggling financially, New York's enthusiastic adoption of the ACA has meant they are in better shape than those in states that chose not to use all of the ACA's new options.<sup>1</sup>

## The Good News: Consumer Protections Would Remain

The good news is that New York State has adopted many of the ACA's provisions into state law. Whatever the Supreme Court does, New York State has opted to protect its health insurance consumers in our law which:

- Prohibits insurers from denying coverage to people with pre-existing conditions or charging them more;
- Requires health plans to cover ten essential health benefits, including prescription drugs and maternity care;
- Requires health plans to keep young adults on their parents' coverage until age 29
- Requires plans to meet actuarial value requirements and limits maximum out-of-pocket spending;
- Prohibits lifetime or annual benefit limits.<sup>2</sup>

## How can you help?

Get the word out to your friends, family members, colleagues and elected officials. Talk to them about your concerns. Tag them on social media. Let people know you care about the ACA and fight for our nation's health!

## Steering Committee Members

**Actors Fund**  
**African Services Committee**  
**Children's Defense Fund**  
**Citizen Action of New York/Public Policy and Education Fund**  
**Coalition for Asian American Children and Families**  
**Community Service Society of New York**  
**Consumers Union**  
**Empire Justice Center**  
**Hispanic Federation**  
**Legal Aid Society**  
**Make the Road New York**  
**Medicare Rights Center**  
**Metro New York Health Care for All**  
**New Yorkers for Accessible Health Care Coverage/Center for Independence of the Disabled, New York**  
**New York Immigration Coalition**  
**Raising Women's Voices**  
**South Asian Council for Social Services**  
**Schuyler Center for Analysis and Advocacy**  
**Young Invincibles**

<sup>1</sup> The Chartis Group, "The Rural Health Safety Net Under Pressure: Rural Hospital Vulnerability," February 2020, [https://www.ivantageindex.com/wp-content/uploads/2020/02/CCRH\\_Vulnerability-Research\\_FiNAL-02.14.20.pdf](https://www.ivantageindex.com/wp-content/uploads/2020/02/CCRH_Vulnerability-Research_FiNAL-02.14.20.pdf)

<sup>2</sup> New York State Insurance Law, sections 3216 and 3217.