

Attorney General Raoul Seeks U.S. Supreme Court Review of Affordable Care Act Lawsuit

January 6 2020 11:28 AM



CHICAGO – Attorney General Kwame Raoul, as part of a coalition of 20 states and the District of Columbia, today filed a petition with the U.S. Supreme Court seeking review of the 5th Circuit’s decision in *Texas v. United States*, a lawsuit challenging a key provision of the Affordable Care Act (ACA). The 5th Circuit issued a decision in December that held the individual mandate of the ACA unconstitutional and called into question whether the remaining provisions of the ACA could still stand, including those that protect and provide coverage to Americans with preexisting conditions.

In the petition, Attorney General Raoul and the coalition argue the 5th Circuit’s decision causes uncertainty that may harm the health of hundreds of thousands of Illinois residents, as well as doctors, hospitals, clinics, businesses, and the health care market in Illinois. In the petition, as well as a motion to expedite consideration of the petition that also was filed today, Raoul and the coalition are asking the court to resolve the case before the end of its current term in June.

“The hundreds of thousands of Illinois residents who rely on the Affordable Care Act cannot afford the uncertainty and confusion resulting from the 5th Circuit’s decision,” Raoul said. “I am partnering with my colleagues around the country to urge the Supreme Court to take up this case because families deserve clarity when it comes to something as critical as health care coverage.”

The lawsuit was originally filed by a Texas-led coalition supported by the president’s administration, which argued that Congress rendered the ACA’s individual mandate unconstitutional when it reduced the penalty for not obtaining insurance to \$0. They further argued that the rest of the ACA should be held invalid as a result of that change.

In an opening brief filed in March, Raoul and the coalition defended the ACA in its entirety, which was supported by a bipartisan group of amici, including scholars, economists, public health experts, hospital and provider associations, patient groups, counties, cities, and more. In December, the 5th Circuit held that the individual mandate is unconstitutional but declined to rule on the validity of the ACA’s remaining provisions. The court instead sent the case back to the Northern District of Texas to determine which provisions of the 900-page law are still valid.

Today’s filing by Raoul and the coalition states makes clear that patients, doctors, hospitals, employers, states, pharmaceutical companies and more will be impacted by the looming uncertainty of the 5th Circuit’s decision. In the petition, the coalition asks the Supreme Court to review the case this term. Raoul and the coalition also highlight important advancements in health care access made under the ACA, including:

More than 12 million Americans receiving coverage through Medicaid expansion.
Nearly 9 million individuals nationwide receiving tax credits to help them afford health insurance coverage through individual marketplaces.
Millions of working families relying on high-quality employer-sponsored insurance plans.
Important protections prohibiting insurers from denying health insurance to the 133 million Americans with preexisting conditions (like diabetes, cancer, or pregnancy) or from charging individuals higher premiums because of their health status.
Nearly \$1.3 trillion in federal funding being dedicated to keeping Americans healthy and covered, including Medicaid expansion and public health dollars.

Joining Raoul in today's filing are the attorneys general of California, Colorado, Connecticut, Delaware, Hawaii, Iowa, Massachusetts, Michigan, Minnesota (by and through its Department of Commerce), Nevada, New Jersey, New York, North Carolina, Oregon, Rhode Island, Vermont, Virginia, and Washington, and the District of Columbia, as well as the governor of Kentucky.