



REPRODUCTIVE RIGHTS & HEALTH

THE MANY WAYS THE AMERICAN HEALTH CARE ACT WOULD JEOPARDIZE WOMEN'S HEALTH AND ECONOMIC SECURITY

The Affordable Care Act (ACA) has changed the landscape for women's access to affordable, quality health care. Any attempt to repeal the law places women's health and economic security in jeopardy.¹ However, the House-passed ACA repeal bill, the American Health Care Act, would be particularly devastating for women.²

THE ACA REPEAL BILL ELIMINATES CRITICAL PATIENT PROTECTIONS

The ACA repeal bill would eliminate critical ACA provisions that prohibit discrimination and ensure that women get the coverage they need. The ACA repeal bill:

- **Eliminates the coverage guarantee of health services women need.** The ACA's Essential Health Benefits (EHB) package currently requires coverage of services critically important to women's health, including maternity care, mental health care, and prescription drug coverage.³ The ACA repeal bill would allow states to waive this requirement, undermining women's health and leaving a woman's access to critical health coverage dependent on where she lives. For example, before the ACA, only 12% of individual insurance plans nationwide covered maternity care.⁴
- **Allows insurance companies to discriminate against individuals with pre-existing conditions.** The ACA repeal bill allows states to waive the ACA's community rating requirements that otherwise prohibit insurers from considering health status in determining how much to charge for coverage. Pre-ACA, health status underwriting resulted in women being routinely denied health insurance or being quoted high premium rates for a range of

"pre-existing conditions," including having had a previous cesarean delivery, a history of breast or cervical cancer, or medical treatment for domestic or sexual violence.⁵

- **Harms women in unsafe or difficult situations.** The ACA repeal bill requires married couples to file joint tax returns in order to receive tax credits that help pay for health insurance. This requirement ignores a host of situations—including domestic violence, pending divorce, or when one spouse is incarcerated—in which filing a joint return may not be possible or safe.

THE ACA REPEAL BILL MAKES IT HARDER FOR WOMEN STRUGGLING FINANCIALLY TO GET THE HEALTH CARE THEY NEED

The ACA repeal bill makes a number of changes to both the Medicaid program and the financial assistance provided by the ACA, which would harm those women who can least afford it. The ACA repeal bill:

- **Dramatically changes Medicaid to either a per capita cap or block grant system.** Restructuring the Medicaid program would ultimately limit and cut federal funding as well as shift to states the risk of increases in Medicaid costs. These changes would force states to cut Medicaid coverage and benefits—and possibly other services as well. These changes threaten health care coverage and benefits for tens of millions of people across the country and would hit women especially hard since nearly two-thirds of adult Medicaid beneficiaries are women.⁶
- **Ends Medicaid Expansion.** The ACA repeal bill would effectively end the Medicaid expansion, which allows states to use federal money to expand health care coverage. Since the implementation of the ACA, 3.9 million women ages 18–64 have gained Medicaid coverage, a growth of 29% nationally.⁷ Getting rid of this program would threaten the health and economic security of millions of women.



- **Restructures the ACA's Tax Credits.** Under the ACA, low- and moderate-income women and families receive tax credits to help purchase health insurance. As of 2014, over 9 million women, who would otherwise have gone without affordable health insurance, were eligible to benefit from the tax credits, including a disproportionate number of women of color.⁸ The ACA repeal bill would restructure this system, and the new tax credits could fall far short of covering the actual cost of health care premiums. This restructuring would have a disproportionate impact on the individuals who need financial assistance the most.
- **Eliminates Cost-Sharing Assistance.** The ACA repeal bill gets rid of the cost-sharing subsidies that help low- and moderate-income families effectively buy down their cost-sharing obligations. This would significantly increase out-of-pocket costs, jeopardizing women's access to health care since women are more likely than men to forgo health care because of cost. This change would hit women of color particularly hard. In the years before the Affordable Care Act, women of color were more likely to go without health care because of cost at higher rates than men or white women, leaving them vulnerable to a lifetime of illness.⁹

THE ACA REPEAL BILL WILL KEEP INDIVIDUALS FROM ACCESSING REPRODUCTIVE HEALTH CARE

The ACA repeal bill contains harmful provisions that limit individuals' access to reproductive health care, including birth control, abortion, and other preventive care. The ACA repeal bill:

- **Penalizes individuals who want to buy a comprehensive plan that includes abortion.** The ACA repeal bill would deny individuals tax credits simply for purchasing a health insurance plan in the individual market that includes coverage of abortion. This provision would effectively ban private insurance coverage of abortion.¹⁰ When a woman is denied insurance coverage of abortion, she may be forced to forgo other basic necessities like paying rent or utility bills to pay for the procedure, or she may be forced to carry an unwanted pregnancy to term.¹¹
- **Defund trusted health care providers.** The ACA repeal bill would "defund" Planned Parenthood by blocking individuals enrolled in Medicaid from accessing critical preventive health care services, including birth control, cancer screenings, and testing and treatment for sexually transmitted infections, at Planned Parenthood health centers. Doing so would devastate access to preventive care for millions.¹²

- 1 NAT'L WOMEN'S LAW CTR., *The Risk of Repeal: How ACA Repeal Will Hurt Women's Health and Economic Security* (Dec. 2016), <https://nwlc.org/wp-content/uploads/2016/12/The-Risk-of-Repeal-FS-1.pdf>
- 2 American Health Care Act, H.R. 1628 115th Cong. (2017).
- 3 Patient Protection and Affordable Care Act, 42 U.S.C. § 18022.
- 4 NAT'L WOMEN'S LAW CTR., TURNING TO FAIRNESS: INSURANCE DISCRIMINATION AGAINST WOMEN TODAY AND THE AFFORDABLE CARE ACT 4 (March 2012) available at https://www.nwlc.org/sites/default/files/pdfs/nwlc_2012_turningtofairness_report.pdf.
- 5 NAT'L WOMEN'S LAW CTR., STILL NOWHERE TO TURN: INSURANCE COMPANIES TREAT WOMEN LIKE A PRE-EXISTING CONDITION 10 (2009), available at <https://nwlc.org/wp-content/uploads/2015/08/stillnowheretoturn.pdf>.
- 6 NAT'L WOMEN'S LAW CTR., *The Stealth Attack on Women's Health: What Caps on Medicaid Funding Would Mean for Women* (April 2017), <https://nwlc.org/resources/the-stealth-attack-on-womens-health-what-caps-on-medicaid-funding-would-mean-for-women/>; NAT'L WOMEN'S LAW CTR., *The Stealth Attacks on Women's Health: The Harmful Effects Block Granting Safety Net Programs Would Have on Women* (April 2017), <https://nwlc.org/wp-content/uploads/2017/04/Medicaid-Block-Grants.pdf>.
- 7 NAT'L WOMEN'S LAW CTR., *Affordable Care Act Repeal and Changes to Medicaid Threaten the Health and Economic Security of 3.9 Million Women Who Recently Gained Medicaid Coverage* (March 2017), <https://nwlc.org/resources/the-affordable-care-act-repeal-bills-radical-changes-to-medicaid-threaten-the-health-and-economic-security-of-low-income-women/>.
- 8 NAT'L WOMEN'S LAW CTR., *The Affordable Care Act Repeal Bill Would Put Affordable Health Coverage Out of Reach for Many Women* (March 2017), <https://nwlc.org/resources/the-affordable-care-act-repeal-bill-would-put-affordable-health-coverage-out-of-reach-for-many-women/>.
- 9 Brief for National Women's Law Center et al. as Amici Curiae Supporting Respondents at 8, *King v. Burwell*, 576 U.S. ___, 135 S. Ct. 2480 (2015).
- 10 NAT'L WOMEN'S LAW CTR., *The Affordable Care Act Repeal Bill's Punitive Abortion Restrictions Threaten Women's Health and Economic Security* (March 2017), <https://nwlc.org/resources/the-affordable-care-act-repeal-bills-punitive-abortion-restrictions-threaten-womens-health-and-economic-security/>.
- 11 *Id.*
- 12 KAISER FAMILY FOUNDATION, TEN WAYS THAT THE HOUSE AMERICAN HEALTH CARE ACT COULD AFFECT WOMEN 4-5 (March 2017), available at: <http://files.kff.org/attachment/Issue-Brief-Ten-Ways-That-the-House-American-Health-Care-Act-Could-Affect-Women>

