

REPRODUCTIVE RIGHTS & HEALTH
**CASE AGAINST THE AFFORDABLE CARE ACT THREATENS TO
DEVASTATE WOMEN'S HEALTH AND ECONOMIC SECURITY**

The Affordable Care Act changed the landscape for women's health insurance and provided access to lifesaving health services. A court decision to undo the ACA would devastate women's health and economic security and wreck havoc on the tens of millions who have benefited from its passage.

PRE-ACA	POST-ACA
Insured Rates	
Women experienced high uninsurance rates. Approximately 19 million women in the U.S., over 19% of women, were uninsured pre-ACA. The numbers were even higher for women of color. ¹	Post-ACA, only 8% of women and girls are uninsured. ² Millions of women and girls purchased affordable, quality health plans through the health insurance marketplaces. ³ And all racial and ethnic groups have benefited from expanded access to coverage thanks to the ACA. ⁴
Pre-Existing Conditions	
Before the ACA, insurance companies denied insurance coverage to women based upon "pre-existing conditions," such as having had a cesarean delivery, a prior pregnancy, or receiving medical treatment for domestic or sexual violence. ⁵	The ACA prohibits insurance companies from denying coverage to individuals based upon "pre-existing conditions." Nearly 68 million women with pre-existing conditions can no longer be denied health coverage. ⁶
Gender Rating	
Insurance companies discriminated against women by charging them significantly more than men for health insurance — a practice known as "gender rating." Before the ACA took effect, 92% of best-selling plans on the individual market practiced gender rating - costing women approximately \$1 billion a year. ⁷	The ACA banned the practice of gender rating, prohibiting insurance companies from charging women more than men for the same coverage. ⁸

PRE-ACA	POST-ACA
Coverage of Essential Health Benefits	
Most plans in the individual market failed to cover services important to women. For example, pre-ACA, only 12% of individual market plans covered maternity services. ⁹	Under the ACA, individual and small group plans must cover a list of essential health benefits, including maternity services, prescription drugs, mental health and substance use disorders, and other services that women need. ¹⁰
Preventive Services	
Women faced high out-of-pocket costs for critical preventive health services. Before the ACA, women were more likely than men to forgo needed preventive services due to cost. ¹¹	The ACA includes a provision requiring all plans to cover a set of evidence-based women's preventive services, including birth control and well-woman visits, without out-of-pocket costs. ¹² Women have reaped significant savings as a result of this provision. In fact, in just one year, women saved \$1.4 billion on birth control pills alone. ¹³
Discrimination	
Before the ACA there was no federal law that provided comprehensive protection against sex discrimination in health care or health insurance. ¹⁴ Women paid more for health care and health insurance ¹⁵ yet received improper diagnoses and less effective treatments. ¹⁶	The ACA includes the first-ever federal broad prohibition on sex discrimination in health care and health insurance. ¹⁷ This historic provision, known as Section 1557, also prohibits discrimination based on race, color, national origin, age, and disability. ¹⁸
Medicaid	
Pre-ACA, a population of lower-income women could not afford private coverage, yet did not qualify for Medicaid. ¹⁹	The ACA's expansion of Medicaid brought critical coverage to more women across the country. Medicaid now covers 18% of the nation's women. ²⁰ Medicaid expansion increases access to earlier interventions ²¹ ; reduces cost barriers ²² ; and improves overall mortality rates. ²³

Invalidating the ACA could return us to a world where insurance companies can indiscriminately charge women more than men for health coverage, deny women coverage of critical services, and impose high costs that effectively deter women from accessing care that is essential to their health and well-being. This not only harms women's health, it also undermines the economic security of families and communities.

SOURCES

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20. See *supra* note 2.
21. GARRETT & GLOVER, *supra* note 9.
22. Id.
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