

August 14, 2018

The Honorable Mitch McConnell
Majority Leader
United States Senate
Washington, DC 20510

The Honorable Chuck Schumer
Democratic Leader
United States Senate
Washington, DC 20510

Dear Leader McConnell and Leader Schumer:

The undersigned national and state organizations, representing health care consumers and patients, providers, and other stakeholders, are writing to urge the Senate to carefully consider the stakes for our health care system and for millions of people's ability to access care, as it undergoes the confirmation process for the next Supreme Court justice.

In the coming years, the Supreme Court is likely to hear cases that involve the basic pillars of our health care system. Adverse decisions in these cases would jeopardize the health care of millions of people. Issues of particular interest to the undersigned organizations include:

- **Constitutionality of the Affordable Care Act, including protections for people with pre-existing health care conditions.** One suit, *Texas v. Azar*, is currently before federal courts. In this suit, the State of Texas and co-plaintiffs argue that the Affordable Care Act is unconstitutional because the individual mandate to purchase health insurance is no longer being enforced. The Trump Administration has partially sided with the plaintiffs, choosing not to defend the law, while arguing that protections for people with pre-existing conditions must be vacated. A decision to overturn the ACA in whole or in part would have devastating impacts for millions of people, threatening coverage for millions, including children, pregnant women, people with life-threatening conditions such as cancer, as well as older adults, who suffer a range of chronic illness, including diabetes and heart disease.
- **Women's access to critical health care services, including contraception.** The Supreme Court may be asked to rule on the constitutionality of federal and state laws that limit women's access to providers and common contraceptives.
- **Federal authority to roll back health coverage for low-income people through Medicaid using "Demonstration Waiver" authority.** In June, a federal judge ruled that the federal government's decision to approve Kentucky's waiver making dramatic cuts to Medicaid was unjustified under federal law, because of its likely impact driving people off the program for failing to complete necessary forms. More than a dozen other states either have implemented or are seeking to implement similar policies. The Supreme Court is likely to take up this issue in the coming years.
- **The ability of consumers, providers, and other stakeholders to hold state Medicaid programs accountable in federal court for violating federal Medicaid requirements.** The Supreme Court has previously ruled on this issue, but may be asked to review it again as the Trump administration has proposed to further cut back federal oversight of rates and access in Medicaid.

The Senate's constitutionally prescribed duty to "advise and consent" on this confirmation should be executed with thoughtful consideration of the nominee's record on health care issues. As the

confirmation process continues, we urge the Senate to remember that our health care system and the health care of millions hang in the balance. Unless a Supreme Court nominee is willing to make clear commitments to protect the rights of families in America to obtain essential health care, we fear that the consequences of confirmation for the nation's health and well-being could be serious and adverse.

Sincerely,

National Organizations

Families USA
ACA Consumer Advocacy
Academy of Ethnomedical Sciences
AIDS United
Alliance for Retired Americans
American Medical Student Association
American Muslim Health Professionals
American Nurses Association
American Public Health Association
Asian & Pacific Islander American Health Forum
Autistic Self Advocacy Network
Center for Law and Social Policy (CLASP)
Center for Policy Analysis
Center for Popular Democracy
Center for Public Representation
Central Conference of American Rabbis
Congregation of Our Lady of Charity of the Good Shepherd, US Provinces
Disability Rights Legal Center
Doctors for America
Farmworker Justice
GLMA: Health Professionals Advancing LGBT Equality
Health Care for America Now (HCAN)
HIV Medicine Association
Interfaith Center on Corporate Responsibility
Justice in Aging
League of Women Voters of the United States
LEAnet
Main Street Alliance
MomsRising
NAACP
National Advocacy Center of the Sisters of the Good Shepherd
National Association of Pediatric Nurse Practitioners
National Association of Social Workers
National Black Justice Coalition
National Center for Transgender Equality
National Consumers League
National Council of Jewish Women
National Disability Rights Network
National Health Law Program

National Latina Institute for Reproductive Health
National LGBTQ Task Force Action Fund
National Physicians Alliance
Pathways for Rare and Orphan Studies
People Demanding Action
Planned Parenthood Federation of America
Population Connection Action Fund
Positive Women's Network - USA
Presbyterian AIDS Network (PAN)
Project Inform
Ryan White Medical Providers Coalition
Service Employees International Union (SEIU)
Sexuality Information and Education Council of the United States (SIECUS)
Sierra Club
Social Security Works
Strategic Health Resources
Talking Eyes Media
The Society for Patient Centered Orthopedics
UnidosUS
Union for Reform Judaism
United Spinal Association
Universal Health Care Action Network
Voices for Progress
VOR
Young Invincibles

State-Based Organizations

Alabama

NEAL Together: 'A Community for Change'

Arizona

PowerSource Tucson, Inc

California

ACCE Action
Alameda Health Consortium
California Food Policy Advocates
California Pan-Ethnic Health Network
California Physicians Alliance
Community Health Councils
Congress of California Seniors
CONGRESS OF CALIFORNIA SENIORS
Equality California
Give for a Smile
Health Access California
Los Angeles LGBT Center
Maternal and Child Health Access

SEIU Nurse Alliance of California
The Children's Partnership
Westside Family Health Center

Colorado

Colorado Consumer Health Initiative

Connecticut

Protect Our Care CT
Southwestern AHEC, Inc.
Universal Health Care Foundation of CT

District of Columbia

DC Fights Back
Iona/DC Coalition on Long Term Care

Florida

Organize Florida

Hawaii

Waikiki Health

Illinois

AgeOptions
Ecker Center
Open Door Clinic of Greater Elgin

Kentucky

Kentucky Equal Justice Center
Kentucky Protection and Advocacy
Kentucky Voices for Health

Maine

Consumers for Affordable Health Care

Massachusetts

Disability Law Center
Personal Disability Consulting, Inc.

Michigan

Community AIDS Resource and Education Services of Southwest Michigan
Fibromyalgia Association of Michigan
HIV AIDS Alliance of Michigan
MichUHCAN
The Grand Rapids Red Project

Mississippi

Back Bay Mission

Disability Rights Mississippi
Mississippi Chapter of APSE
MS Human Services Coalition

Missouri
Empower Missouri

Nevada
Nevada Policy Practice Academy

New Jersey
New Jersey Citizen Action

New York
Bailey House, Inc.
Hunger Action Network of NYS

North Carolina
Equality North Carolina
Pisgah Legal Services

Oregon
Cascade AIDS Project

Pennsylvania
Consumer Health Coalition
Equality Pennsylvania

Tennessee
Black Children's Institute of Tennessee
Disability Rights Tennessee
Nashville CARES

Texas
Children's Defense Fund – Texas

Virginia
Virginia Organizing

West Virginia
West Virginians for Affordable Health Care
West Virginians Together for Medicaid
WV Citizen Action Group

Wisconsin
Wisconsin Federation of Nurses & Health Professionals, AFT, AFL-CIO