The Affordable Care Act and the Supreme Court

In 2010, the Patient Protection and Affordable Care Act (ACA), also referred to as ObamaCare, was passed into law. Although we have seen multiple attempts to repeal the law, the ACA has remained in place for nearly ten years and 20 million people have gained insurance as a result. Yet, on November 10, 2020, the United States Supreme Court heard arguments in California v. Texas, a legal challenge that seeks to strike down the ACA.



Building up to the Supreme Court Case

March 2010:

The ACA is passed into law. Among many other components, it included an "individual mandate" authorized by Congress. The mandate imposed a tax penalty on individuals who did not secure health care coverage.

December 2017:

The U.S. Congress passed the Tax Cuts and Jobs Act into law which changed the ACA's individual mandate tax penalty to zero dollars. In other words, people who did not secure health care coverage no longer had to pay a tax penalty.

February 2018:

The Texas Attorney General (along with 18 other state attorneys general, two governors, and two individuals) filed a lawsuit in the state of Texas claiming that by reducing the tax penalty to zero dollars, the individual mandate was unconstitutional because no revenue was now being produced for the federal government under Congress' power to tax.

December 2018:

The trial court ruled in favor of the Texas Attorney General stating that the individual mandate, as well as the entire ACA, is invalid and must be struck down. This ruling was appealed, and the 5th Circuit Court took up the case.

December 2019:

The 5th Circuit Court ruled that the individual mandate is unconstitutional, but instead of deciding whether the rest of the ACA must also be struck down, the Court sent the case back to the trial court for additional analysis. The California Attorney General then appealed the decision to the United States Supreme Court.

November 2020:

The Supreme Court heard oral arguments in the case.

March 2020:

The Supreme Court agreed to hear the case, which asks whether the law's individual mandate is unconstitutional and, if so, whether the rest of the ACA can remain law.

The Supreme Court is Considering 3 Major Questions

1

Do the states (and two individuals) challenging the ACA have "standing" to bring the case?

In other words, have they been negatively affected by the law, which is a requirement to bring an action in court? "Standing" ensures that federal courts are deciding actual cases or controversies as required by the U.S. Constitution. 2)

Is the individual mandate in the ACA unconstitutional now that the tax penalty has been set to zero dollars in the 2017 Tax Cuts and Jobs Act?



If the individual mandate is ruled unconstitutional: Is the entire ACA unconstitutional?

Is the individual mandate able to be "severed" (separated) from other parts of the ACA

or

so that some or all of the law can remain in place without it? In other words, is the individual mandate essential to make other parts of the ACA valid?

Possible Outcomes

There are several potential outcomes of the case, each with their own implications.

What is "Standing?"

Standing is a requirement that the plaintiffs have been injured or been threatened with injury by government action complained of, and focuses on the question of whether the litigant is the proper party to fight the lawsuit, not whether the issue itself is justiciable.

If the Supreme Court finds that none of the states or individuals challenging the ACA have "standing" to do so → The case is dismissed, the ACA as-is remains the law of the land.

2 If the Supreme Court finds that the individual mandate is constitutional → The ACA as-is **remains** the law of the land.

If the Supreme Court finds that changing the tax penalty to zero dollars makes the individual mandate unconstitutional, then the Supreme Court will do one of the following:

What does "Severable" mean?

Severable means capable of carrying on an independent existence; for example, a severable statute is one that can still be valid even if one part of it is struck down as invalid by a court.



Timeline for the Supreme Court's Decision

The Supreme Court's decision will likely be announced to the public sometime between March and June 2021.

If the Court decides that none of the parties challenging the ACA have "standing" to do so, a decision could be announced much sooner.

What Comes Next

While the ACA remains the law of the land for now, it is important for all people, including cancer patients, survivors, and their loved ones, to understand the potential implications and what this case could mean for them. If the Supreme Court finds that the entire ACA is unconstitutional, it could have serious implications for access to care, removing many essential patient protections that cancer patients and survivors depend on.

Congress also has the ability to pass legislation that could change the course of the lawsuit against the ACA, effectively ending the case.

For up-to-date information on the future of the ACA and other policy issues that may impact cancer patients, sign up for our grassroots network. www.cancersupportcommunity.org/become-advocate



Academy of Oncology Nurse & Patient Navigators





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