



October 7, 2020

President Donald J. Trump
 The White House
 1600 Pennsylvania Avenue, NW
 Washington DC, 20500

Dear President Trump:

Our 18 organizations, representing the interests of the millions of patients and consumers who live with serious, acute, and chronic conditions, have worked together for years to ensure that patient voices are reflected in the ongoing congressional, administrative, and judicial debate regarding the accessibility of health coverage for all people living in the United States. Since March of 2017, our organizations have worked in coalition to protect and advance policies that ensure our patients and consumers have **adequate, affordable, and accessible** health insurance coverage.¹ Together, we understand what individuals and families, including those with pre-existing conditions, need to prevent disease, manage health, and cure illness.

People with pre-existing conditions rely on a suite of critical protections enshrined in the Affordable Care Act (ACA) to help them access comprehensive, affordable health coverage that meets their medical needs. Unfortunately, the arguments of the plaintiffs in *California v. Texas* – a lawsuit brought by 20 states and two individual plaintiffs – represent a serious threat to these protections. In this lawsuit, the plaintiffs argue that the court must invalidate the entire ACA due to Congress' repeal of the penalty associated with the individual mandate. Furthermore, we are deeply troubled that the Administration and the Department of Justice (DOJ) have declined to defend the constitutionality of many of the ACA provisions that directly protect people with pre-existing conditions.

While we note the Executive Orders released by the White House on September 24th which purport to protect patients with pre-existing conditions and prevent the practice of surprise medical billing, the orders do neither as they hold no force of law. What is most concerning is that, while the Administration communicates support for patients with pre-existing conditions, the Administration has continually

¹ Health care reform principles. American Heart Association website. http://www.heart.org/idc/groups/heart-public/@wcm/@adv/documents/downloadable/ucm_495416.pdf.

targeted provisions of the ACA that protect patients. These attacks on existing protections, combined with the lack of progress toward enacting policies that would meaningfully improve or protect coverage for patients in Congress or through regulation, puts people with pre-existing conditions in danger of losing reliable access to care they need.

In recent years, the Administration has also promoted insurance plans – such as short-term, limited-duration plans and association health plans – that are allowed to discriminate against people with pre-existing conditions. The Administration has ignored misleading marketing practices by those selling substandard insurance, reduced funding for programs that help consumers enroll in coverage that meets their needs, and laid the groundwork for taxpayer dollars to subsidize these products that undercut those insurers that are actually providing comprehensive plans. Combined, these policies have eroded access to affordable and comprehensive care for people with pre-existing conditions.

We cannot ignore that even during the COVID-19 pandemic, when the need is arguably the greatest, some people in America still do not have accessible, adequate, and affordable coverage. That number of un- and under-insured Americans will skyrocket if the ACA is overturned. And despite last week's symbolic gestures, these actions do nothing to prevent discrimination against patients. Our patients cannot afford to go back to an era where people with pre-existing conditions can be discriminated against. People with pre-existing conditions need real protections, and it is past time for the Administration and Congress to protect and expand upon those already in law. If the Administration wishes to meaningfully engage and protect patients, we recommend the DOJ correct course and move swiftly to fully defend and protect the ACA in the courts.

Our organizations stand ready to work with you on solutions that serve the patients we represent. Should you like to discuss the content of this letter or policies that would meaningfully protect patients from surprise bills or pre-existing condition discrimination, please direct your staff to contact Katie Berge, Director of Federal Government Affairs Leukemia and Lymphoma Society at katie.berge@lls.org.

Sincerely,

The Leukemia & Lymphoma Society

Alpha-1 Foundation

American Kidney Fund

American Liver Foundation

Asthma and Allergy Foundation of America

Cancer Support Community

CancerCare

Chronic Disease Coalition

Crohn's & Colitis Foundation

Epilepsy Foundation

Hemophilia Federation of America

Mended Hearts & Mended Little Hearts

National Alliance on Mental Illness

National Multiple Sclerosis Society

NORD

Pulmonary Hypertension Association

The AIDS Institute

WomenHeart: The National Coalition for

Women with Heart Disease

cc. Secretary Alex Azar

Secretary of Health and Human Services