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The Suspense is Killing Me... Hopefully the Ruling Will Not

The Supreme Court decision on the constitutionality of the Affordable Care Act (the ACA; Health Reform) will be announced **Thursday June 28 around 10am EDT**. The fate of the Medicaid Expansion that will provide health insurance to millions of low-income and homeless persons and the rest of the law hang in the balance. At this point there is nothing the HCH community can do to influence the decision itself, but this still represents an **unparalleled opportunity to educate the public**. Use the expected media attention to publicly support the expanded health coverage we know is needed to prevent and end homelessness - regardless of Thursday's outcome.

Background

The Supreme Court ruling will address three main issues:

- **The Individual Mandate:** requires most individuals to purchase health insurance or face a financial penalty. Opponents of the law claim this is unconstitutional and pundits think this is the most likely aspect of the ACA to be struck down.
- **Severability:** the legal term for whether a provision in a law may be struck down while keeping the rest of the law intact. If the individual mandate is found unconstitutional then some or all of the rest of the ACA may also be struck.
- **Medicaid Expansion:** makes most individuals at or below 138% of the Federal Poverty Level eligible starting 2014. It is likely to be upheld but anything is possible.

There are numerous potential combinations of rulings on these issues, so the impact is difficult to predict.

The Medicaid Expansion is the provision most directly related to HCH grantees and the provision that holds the most promise for our patients. If it is found unconstitutional, either on its own merits or because it is not severable from the individual mandate, it would be a devastating blow.

The individual mandate does not impact most HCH patients as directly since most are exempt due to very low incomes. If it is struck, however, the private insurance market is likely to be impacted, potentially leading to increased private health care costs or a loss of insurance protections, such as the protections currently in place for people with pre-existing conditions. Multitudes of other provisions important to the HCH community also are at risk, such as increased health center funding, workforce investments, and delivery system reforms.

A silver lining to all of this is that a single-payer health care system is irrefutably constitutional and the best option for universal coverage should the ACA be struck.

TAKE ACTION

This is a defining moment in the struggle for health care justice. It is critical to stand up and be counted. The Council has prepared a press advisory in advance of Thursday's ruling with a response planned out for several possibilities. We urge you and your project to consider how you will respond.

For health centers and HCH projects, we suggest you **craft your own press release** for use in your local community. We also suggest communicating the implications of the

Supreme Court decision to your staff and patients. For individual administrators, clinicians, and consumers, we suggest you **write letters to the editor or op-eds**. Feel free to quote the Council's [release](#) or use it as a guide. These [remarks](#) from former Clinician's Network Chair Greg Morris and incoming National Consumer Advisory Board Chair Joseph Benson may also be used.

It is our hope that the law will be upheld. If it is, we should use this opportunity to champion the opportunities it provides the HCH community to reduce the burdens and incidence of homelessness. If it is not, then we should state unequivocally that this is not the end and universal health care is still very much needed. **The more communities that hear this message, the stronger our movement will be, whether we are implementing the ACA or not.**

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