



April 9, 2018

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## ATTORNEY GENERAL MADIGAN FILES MOTION TO DEFEND THE AFFORDABLE CARE ACT AGAINST FEDERAL LAWSUIT

### ***Madigan & 15 Attorneys General File Motion to Intervene to Protect Health Care for Millions***

**Chicago** — Attorney General Lisa Madigan and 15 other attorneys general today filed a motion to intervene in *Texas et al. v. United States et al.*, a lawsuit filed in federal district court in Texas which seeks to dismantle the Affordable Care Act (ACA).

Madigan and the other attorneys general filed their [motion](#) to seek to enter a lawsuit filed by Texas and other states in order to vigorously defend the ACA and the millions of Americans across the country who rely on it for affordable care. Madigan and the other attorneys general said the Texas lawsuit imperils health care coverage and funding for care for all Americans, particularly more vulnerable people like seniors, children, and people with chronic medical conditions or disabilities

"Dismantling the Affordable Care Act would deprive millions of people of the coverage they need to access health care, including some of our most vulnerable people," Madigan said. "I am committed to defending the Affordable Care Act to protect the benefits that many Illinois residents rely on to ensure that they have access to health care coverage."

Texas was joined by 19 states in filing its lawsuit in the U.S. District Court for the Northern District of Texas on Feb. 28. Texas alleged the ACA is no longer constitutional due to the passage of new tax laws in December 2017, which zeroed out the penalty payment under the ACA's individual mandate for those who could afford to purchase health insurance but did not.

The Texas lawsuit petitioned the federal court to end the Medicaid expansion; end tax credits that help people afford insurance; allow insurance companies to deny coverage to people with pre-existing conditions; take away seniors' prescription drug discounts; strip funding from the nation's public health system, including work to combat the opioid epidemic; and much more. If the lawsuit succeeded and the ACA were terminated, Illinois could lose \$49.9 billion in federal funds used to provide health care to Illinois residents.

In today's motion to intervene, Madigan and the attorneys general allege that the ACA has not been repealed under the new tax law and its constitutionality has been upheld by the Supreme Court, noting that:

- The ACA has survived nearly 70 unsuccessful repeal attempts in Congress since it was passed in 2010;
- In *National Federation of Independent Businesses v. Sebelius* (2012), the Supreme Court ruled that the individual mandate is constitutional; and
- The state of California and every state in the United States would suffer grave harm if the plaintiffs achieved the goals of their lawsuit.

Illinois is one of several states that passed legislation to expand the eligibility for its state Medicaid plan and as a result received increased federal matching funds to provide coverage for the expansion population. To support the Attorney General's motion and highlight the fiscal impact of the ACA in Illinois, the Illinois Comptroller's Office provided a declaration that Illinois received approximately \$9.5 billion from fiscal year 2015 through fiscal year 2017 to provide coverage under the Medicaid expansion. The Cook County Health and Hospitals System also reported that the number of its patients who received care without insurance or other coverage dropped from 64 percent in fiscal year 2012 to 39 percent in fiscal year 2017 as a result of the Medicaid expansion.

If Texas' lawsuit were to succeed and federal funding for the Medicaid expansion terminated, Illinois law would require that the expanded eligibility be eliminated, revoking coverage for hundreds of thousands of Medicaid enrollees in Illinois.

Joining Madigan in filing today's motion were the attorneys general from: California, Connecticut, Delaware, the District of Columbia, Hawaii, Kentucky, Massachusetts, North Carolina, New Jersey, New York, Oregon, Rhode Island, Virginia, Vermont, and Washington.

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