

Medicare Benefits Are Now In Danger

White House and Senate Strategy to Overturn the Health Reform Law Threatens Major Medicare Cuts



Introduction

America's elected officials should not enjoy better health care than what the American people receive.

President Trump's October 7 video message to America's seniors paid lip service to this basic principle. Noting the world-class care he obtained for COVID-19, including cutting-edge prescription drugs, he promised, "I want you to get the same care that I got. You're going to get it free, no charge. And we're going to get it to you soon." He concluded, "We're going to take care of our seniors, all free."¹

If only that were true. At the very moment Trump made this promise, his administration was breaking it by continuing to urge the Supreme Court to throw

out the 2010 health care law. That law made major improvements to Medicare. If the lawsuit succeeds, Medicare will go back to the way it was before. Prescription drug benefits would be cut, forcing millions of seniors to pay much more for the medicine they need to thrive or even survive. Seniors would also lose Medicare coverage of free preventive care, including cancer screenings.

A deadly, highly contagious pandemic, the worst in more than a century, is now raging out of control, taking seniors' lives at a horrifying pace. Even so, the Trump administration and Republican senators are doubling down on their attack. They are rushing to put a judge on the U.S. Supreme Court who has strongly

criticized past court cases that upheld the health care law.² If the Senate approves this nomination, health care opponents will hold a 6-3 supermajority on the Supreme Court. Many legal scholars believe that this “dramatically increases the chances” that the Court will strike down the law.³

The following analysis shows how seniors’ Medicare coverage is now in danger. It then explains who would benefit from a repeal of the health care law: the super-wealthy and drug companies. **Seniors who want to protect their Medicare benefits should immediately take two steps:**

- 1. Call the White House and demand that the administration stop its judicial assault on the health care law.**
- 2. Call their senators and demand that they refuse to confirm this or any other Supreme Court nominee who would endanger the health care law.***

Overturing the Health Care Law Would Slash Medicare’s Prescription Drug Benefits

Before lawmakers passed the Affordable Care Act in 2010, Medicare’s coverage of prescription drugs contained a huge gap, often termed the “donut hole.” Medicare required beneficiaries to pay 100% of their prescription drug costs after they reached an annual coverage limit. Coverage did not kick in again until drug costs reached levels the law termed “catastrophic.”

Health care legislation gradually shrank this donut hole, ending it completely in 2019.⁴ As a result, nearly 12 million Medicare beneficiaries saved more than \$26 billion in prescription drug costs between 2010 and 2016 alone.⁵

If the Trump administration’s judicial assault on the health care law succeeds and the Supreme Court strikes down the entire Affordable Care Act, these gains could disappear.⁶ Medicare beneficiaries would once again face enormous uncovered prescription drug costs at the worst possible time — while a deadly pandemic sweeps through the country.

Striking down the entire Affordable Care Act would take away prescription drug benefits from more than 30 million people, or 54% of all Medicare beneficiaries (Table 1).⁷ If this had happened by 2018, almost 5 million people — roughly 1 in 10 Medicare beneficiaries — would have fallen into the donut hole and, on average, paid nearly \$1,200 more for their medicine.⁸ As expensive COVID-19 drugs like those used by President Trump enter the market, both the number of seniors harmed and the cost increases they face could skyrocket.

Among Medicare beneficiaries whose prescription drug coverage may soon be on the chopping block, two-thirds live in 15 states (Table 2):

- 1.** California (3.3 million)
- 2.** Florida (2.5 million)
- 3.** Texas (2.1 million)
- 4.** New York (1.8 million)

* This analysis focuses on seniors, but Medicare covers others as well. In particular, nearly nine million people with disabilities relied on Medicare for health care in 2017, the most recent year for which data are available. They too would lose essential benefits if the health care law is overturned. Kaiser Family Foundation. “Distribution of Medicare Beneficiaries by Eligibility Category” (Timeframe: 2017), State Health Facts, <https://www.kff.org/medicare/state-indicator/distribution-of-medicare-beneficiaries-by-eligibility-category-2/?dataView=1¤tTimeframe=0&sortModel=%7B%22collId%22:%22Location%22,%22sort%22:%22asc%22%7D>.

5. Pennsylvania (1.6 million)
6. Ohio (1.4 million)
7. Michigan (1.3 million)
8. Illinois (1.2 million)
9. North Carolina (1.1 million)
10. New Jersey (940,000)
11. Georgia (850,000)
12. Indiana (730,000)
13. Arizona (722,000)
14. Virginia (721,000)
15. Tennessee (716,000)

States vary in the percentage of Medicare beneficiaries who would lose prescription drug benefits if the entire health care law is overturned. That percentage is highest in 15 states (Table 3):

1. Iowa (63% of all beneficiaries would have their Medicare drug coverage cut)
2. Minnesota (61%)
3. Michigan (61%)
4. Ohio (60%)
5. Delaware (60%)
6. Nebraska (60%)
7. Utah (60%)
8. North Dakota (59%)
9. Pennsylvania (59%)
10. Indiana (58%)

11. New Jersey (58%)
12. Kansas (57%)
13. Wisconsin (57%)
14. Missouri (57%)
15. Oregon (57%)

States also vary in the percentage of Medicare beneficiaries who would have faced increased drug costs if the courts had overturned the entire Affordable Care Act by 2018. In 15 states, an especially high percentage of beneficiaries would have fallen into the donut hole and been charged much more for their medicine (Table 4):

1. New Jersey (13%)
2. Delaware (12%)
3. Pennsylvania (11%)
4. Michigan (11%)
5. Connecticut (10%)
6. Indiana (10%)
7. New York (10%)
8. South Carolina (10%)
9. Ohio (10%)
10. Kentucky (10%)
11. North Carolina (9%)
12. North Dakota (9%)
13. West Virginia (9%)
14. Illinois (9%)
15. Nebraska (9%)

Table 1: Medicare Beneficiaries Whose Prescription Drug Coverage Would Be Cut if the Supreme Court Overturns the Entire Affordable Care Act, by State: 2018

	All Medicare beneficiaries	Beneficiaries whose drug coverage will be cut if the entire health care law is overturned		Beneficiaries who would have paid higher drug costs due to Medicare cuts if the law had been overturned by 2018	
		Number	Percentage of all Medicare beneficiaries	Number	Percentage of all Medicare beneficiaries
United States	59,869,402	32,178,435	54%	5,240,890	9%
Alabama	1,045,702	498,695	48%	90,230	9%
Alaska	95,483	20,330	21%	3,450	4%
Arizona	1,279,721	722,050	56%	103,835	8%
Arkansas	646,094	294,290	46%	41,635	6%
California	6,224,832	3,343,120	54%	444,520	7%
Colorado	911,645	513,415	56%	63,190	7%
Connecticut	679,355	353,055	52%	71,270	10%
Delaware	201,656	120,930	60%	24,620	12%
District of Columbia	95,334	21,360	22%	3,280	3%
Florida	4,515,510	2,502,770	55%	388,145	9%
Georgia	1,721,548	853,510	50%	150,230	9%
Hawaii	268,978	147,670	55%	23,630	9%
Idaho	323,878	176,120	54%	21,915	7%
Illinois	2,239,655	1,224,195	55%	206,735	9%
Indiana	1,255,287	729,245	58%	129,875	10%
Iowa	623,427	393,190	63%	55,945	9%
Kansas	533,219	305,985	57%	46,315	9%
Kentucky	931,476	476,655	51%	89,590	10%
Louisiana	867,826	411,505	47%	71,220	8%
Maine	336,322	155,880	46%	22,735	7%
Maryland	1,033,382	461,575	45%	87,695	8%
Massachusetts	1,326,207	692,305	52%	109,280	8%
Michigan	2,064,706	1,261,355	61%	217,390	11%
Minnesota	1,017,798	624,735	61%	74,345	7%
Mississippi	606,646	254,405	42%	40,740	7%

	All Medicare beneficiaries	Beneficiaries whose drug coverage will be cut if the entire health care law is overturned		Beneficiaries who would have paid higher drug costs due to Medicare cuts if the law had been overturned by 2018	
		Number	Percentage of all Medicare beneficiaries	Number	Percentage of all Medicare beneficiaries
Missouri	1,238,715	707,270	57%	109,360	9%
Montana	227,477	121,820	54%	15,335	7%
Nebraska	344,200	205,520	60%	31,570	9%
Nevada	519,060	278,210	54%	39,220	8%
New Hampshire	295,698	157,935	53%	24,590	8%
New Jersey	1,622,531	936,640	58%	205,595	13%
New Mexico	417,438	188,495	45%	23,825	6%
New York	3,612,185	1,831,890	51%	363,285	10%
North Carolina	1,966,306	1,073,790	55%	185,390	9%
North Dakota	130,019	76,950	59%	12,155	9%
Ohio	2,330,935	1,398,820	60%	227,740	10%
Oklahoma	742,936	351,815	47%	65,515	9%
Oregon	856,072	485,755	57%	55,640	6%
Pennsylvania	2,725,053	1,602,315	59%	293,550	11%
Rhode Island	219,877	120,900	55%	16,395	7%
South Carolina	1,051,955	563,730	54%	104,810	10%
South Dakota	174,017	97,850	56%	14,065	8%
Tennessee	1,351,535	715,545	53%	117,695	9%
Texas	4,090,568	2,092,880	51%	366,200	9%
Utah	389,765	231,990	60%	30,985	8%
Vermont	145,853	77,210	53%	11,345	8%
Virginia	1,512,729	720,515	48%	117,150	8%
Washington	1,346,185	652,985	49%	81,745	6%
West Virginia	443,870	205,250	46%	40,995	9%
Wisconsin	1,161,080	666,165	57%	96,305	8%
Wyoming	107,656	57,845	54%	8,615	8%

Source: National Center for Coverage Innovation (NCCI) at Families USA analysis of data from the Kaiser Family Foundation.

Note: Data from 2018 are the most recent available showing the number and characteristics of beneficiaries in each state. Participants in the low-income subsidy program were subtracted from each state's count of Medicare beneficiaries to estimate the number whose drug benefits would be cut. However, they too will experience cuts if their subsidy participation ends.

Table 2: Medicare Beneficiaries Whose Prescription Drug Coverage Would Be Cut if the Supreme Court Overturns the Entire Affordable Care Act, in the 15 States with the Largest Number of Affected People: 2018

Rank	State	Number of beneficiaries whose prescription drug coverage would be cut
1	California	3,343,120
2	Florida	2,502,770
3	Texas	2,092,880
4	New York	1,831,890
5	Pennsylvania	1,602,315
6	Ohio	1,398,820
7	Michigan	1,261,355
8	Illinois	1,224,195
9	North Carolina	1,073,790
10	New Jersey	936,640
11	Georgia	853,510
12	Indiana	729,245
13	Arizona	722,050
14	Virginia	720,515
15	Tennessee	715,545

Source: NCCI analysis of data from the Kaiser Family Foundation.

Note: Data from 2018 are the most recent available showing the number and characteristics of beneficiaries in each state.

Table 3: Beneficiaries Whose Prescription Drug Coverage Would Be Cut if the Supreme Court Overturns the Entire Affordable Care Act, in the 15 States with the Largest Percentage of Affected Beneficiaries: 2018

Rank	State	Percentage of Medicare beneficiaries whose prescription drug coverage would be cut
1	Iowa	63%
2	Minnesota	61%
3	Michigan	61%
4	Ohio	60%
5	Delaware	60%
6	Nebraska	60%
7	Utah	60%
8	North Dakota	59%
9	Pennsylvania	59%
10	Indiana	58%
11	New Jersey	58%
12	Kansas	57%
13	Wisconsin	57%
14	Missouri	57%
15	Oregon	57%

Source: NCCI analysis of data from the Kaiser Family Foundation.

Note: Data from 2018 are the most recent available showing the number and characteristics of beneficiaries in each state. This table shows percentages rounded off to the nearest digit. More precise estimates, which show differences between states listed here as having identical percentages, are available upon request.

Table 4. Medicare Beneficiaries Who Would Have Paid More for Prescription Drugs if the Supreme Court Had Overturned the Entire Affordable Care Act by 2018, in the 15 States with the Highest Percentage of Affected Beneficiaries

Rank	State	Percentage of all beneficiaries who would have paid higher drug costs due to Medicare cuts if the health care law had been overturned
1	New Jersey	13%
2	Delaware	12%
3	Pennsylvania	11%
4	Michigan	11%
5	Connecticut	10%
6	Indiana	10%
7	New York	10%
8	South Carolina	10%
9	Ohio	10%
10	Kentucky	10%
11	North Carolina	9%
12	North Dakota	9%
13	West Virginia	9%
14	Illinois	9%
15	Nebraska	9%

Source: NCCI analysis of data from the Kaiser Family Foundation.

Note: This table shows percentages rounded off to the nearest digit. More precise estimates, which show differences between states listed here as having identical percentages, are available upon request.

Overturning the Health Care Law Would End Medicare’s Guaranteed Coverage of Free Preventive Care, Including Cancer Screenings

Before the health care law, Medicare limited its preventive care benefits. For example, it did not cover any annual wellness visits. Most screenings and preventive services were limited to people with known health risks. And even when Medicare did cover preventive care, beneficiaries were often charged copayments and coinsurance. That changed in 2010, when the Affordable Care Act ended deductibles and copayments for preventive care, including screenings for breast and cervical cancer. The health law also added new and potentially life-saving preventive care services, including annual wellness visits, free of charge. By 2013, nearly 60% of seniors enrolled in traditional Medicare were taking advantage of this important new benefit.⁹

If the Trump administration and its Senate allies succeed in getting the Supreme Court to overturn the entire Affordable Care Act, 51.1 million people, or 85% of all Medicare beneficiaries, would lose their current guarantee of zero-cost preventive care (Table 5).¹⁰ Two-thirds of the people harmed live in 15 states (Table 6):

1. California (4.7 million)
2. Florida (4.1 million)
3. Texas (3.6 million)
4. New York (2.8 million)
5. Pennsylvania (2.3 million)
6. Ohio (2.1 million)
7. Illinois (1.9 million)
8. Michigan (1.8 million)

9. North Carolina (1.7 million)
10. Georgia (1.6 million)
11. New Jersey (1.41 million)
12. Virginia (1.37 million)
13. Washington (2.0 million)
14. Tennessee (1.8 million)
15. Indiana (1.1 million)

Table 5: Medicare Beneficiaries Losing Guaranteed Coverage of Free Preventive Care if the Supreme Court Overturns the Entire Affordable Care Act, by State: 2018

	Number	Percentage of all Medicare beneficiaries
United States	51,128,469	85%
Alabama	939,877	90%
Alaska	78,067	82%
Arizona	1,114,381	87%
Arkansas	568,821	88%
California	4,715,310	76%
Colorado	829,597	91%
Connecticut	591,311	87%
Delaware	187,459	93%
District of Columbia	65,132	68%
Florida	4,072,990	90%
Georgia	1,548,016	90%
Hawaii	231,536	86%
Idaho	299,879	93%
Illinois	1,865,185	83%
Indiana	1,124,737	90%
Iowa	544,626	87%
Kansas	481,230	90%
Kentucky	820,817	88%
Louisiana	741,297	85%
Maine	272,286	81%
Maryland	935,727	91%
Massachusetts	1,024,495	77%

	Number	Percentage of all Medicare beneficiaries
Michigan	1,766,356	86%
Minnesota	863,805	85%
Mississippi	513,829	85%
Missouri	1,066,286	86%
Montana	208,847	92%
Nebraska	299,798	87%
Nevada	491,031	95%
New Hampshire	269,617	91%
New Jersey	1,408,357	87%
New Mexico	369,224	88%
New York	2,813,892	78%
North Carolina	1,682,371	86%
North Dakota	115,639	89%
Ohio	2,058,216	88%
Oklahoma	628,598	85%
Oregon	773,889	90%
Pennsylvania	2,300,490	84%
Rhode Island	182,938	83%
South Carolina	892,899	85%
South Dakota	158,912	91%
Tennessee	1,179,620	87%
Texas	3,624,243	89%
Utah	353,517	91%
Vermont	121,000	83%
Virginia	1,365,238	90%
Washington	1,195,412	89%
West Virginia	390,739	88%
Wisconsin	991,330	85%
Wyoming	99,259	92%

Source: NCCI analysis of data from the Kaiser Family Foundation.

Note: Beneficiaries of full dual Medicare/Medicaid coverage were subtracted from the total count of Medicare beneficiaries based on data from 2013, the latest available estimates of the percentage of all beneficiaries receiving dual coverage. We applied those percentages in each state to the total beneficiary count in each state for 2018. This underestimated the number of beneficiaries affected by the overturn of the entire Affordable Care Act in that some states' Medicaid programs may not replicate Medicare's current free preventive benefits. On the other hand, some who lose guaranteed coverage of zero-cost preventive care may be able to fill the gap by purchasing supplemental coverage or relying on retiree health insurance from a former employer.

Table 6: Medicare Beneficiaries Losing Guaranteed Coverage of Free Preventive Care if the Supreme Court Overturns the Entire Affordable Care Act, in the 15 States with the Largest Number of Affected People: 2018

Rank	State	Number of beneficiaries who would lose Medicare coverage of free preventive care
1	California	4,715,310
2	Florida	4,072,990
3	Texas	3,624,243
4	New York	2,813,892
5	Pennsylvania	2,300,490
6	Ohio	2,058,216
7	Illinois	1,865,185
8	Michigan	1,766,356
9	North Carolina	1,682,371
10	Georgia	1,548,016
11	New Jersey	1,408,357
12	Virginia	1,365,238
13	Washington	1,195,412
14	Tennessee	1,179,620
15	Indiana	1,124,737

Source: NCCI analysis of data from the Kaiser Family Foundation.

Note: Beneficiaries of full dual Medicare/Medicaid coverage were subtracted from the total count of Medicare beneficiaries based on data from 2013, the latest available estimates of the percentage of all beneficiaries receiving dual coverage. We applied those percentages in each state to the total beneficiary count in each state for 2018. This underestimated the number of beneficiaries affected by the overturn of the entire Affordable Care Act in that some states' Medicaid programs may not replicate Medicare's current free preventive benefits. On the other hand, some who lose guaranteed coverage of zero-cost preventive care may be able to fill the gap by purchasing supplemental coverage or relying on retiree health insurance from a former employer.

Overturning the Health Care Law Would Give Large Tax Breaks to the Wealthy and Drug Companies

To help fund better care for seniors and other families, the health care law raised taxes on the wealthy and large health-care corporations. For example, the law strengthened the Medicare trust fund by ending special protections that previously shielded rich people's income from taxes that middle-class families pay. It also made drug companies share some of their profits with taxpayers. If the entire Affordable Care Act goes away, seniors would lose health care, but the rich and well-connected would be showered with tax breaks:¹¹

- » America's richest one-tenth of 1% — people who make more than \$3 million a year — would be granted tax cuts averaging almost \$200,000 a year.
- » Repealing the health care law would give the average millionaire a \$42,000 tax cut.
- » Prescription drug companies would get a \$2.8 billion tax break.

By contrast, people in the bottom 80% of the U.S. income distribution — including the vast majority of seniors — would save a grand total of \$55 a year on average.¹²



Conclusion

All American taxpayers, including seniors, paid handsomely for President Trump's world-class medical care. No one should begrudge either him or the senators and representatives who also contracted COVID-19 the excellent care they receive at the public's expense.

Everyone in America should get the care they need when they need it, and it should be the same health care these politicians receive. Instead, the Trump administration is doing everything in its power to cut seniors' Medicare benefits by getting the Supreme Court to throw out the health care law America passed in 2010. To aid this effort, congressional

Republicans are rushing to put a judge on the Supreme Court who they expect to vote against the law — even though that would take health care away from millions of people, both over and under age 65.

That may be good news for millionaires and drug companies, who would be showered with large tax breaks as a result. But it would be terrible news for millions of senior citizens who worked hard all their lives, paying into Medicare, trusting that it would be there for them when they needed it — only to see essential health care ripped away during the most dangerous pandemic in a century.

People who think that this is wrong should let their senators and the White House know.

Endnotes

¹ Alex Wayne, “Trump Makes Appeal to Seniors as Polls Show Them Abandoning Him,” *Bloomberg News*, October 8, 2020, <https://www.bloomberg.com/news/articles/2020-10-08/trump-makes-appeal-to-seniors-as-polls-show-them-abandoning-him>.

² Amy Coney Barrett, *Countering the Majoritarian Difficulty*, 32 *Const. Comment.* 61 (2017) (book review), https://scholarship.law.nd.edu/cgi/viewcontent.cgi?article=2330&context=law_faculty_scholarship.

³ Amanda Holpuch, “Fears for Obamacare if Amy Coney Barrett Confirmed to Supreme Court,” *The Guardian*, October 2, 2020, <https://www.theguardian.com/us-news/2020/oct/02/amy-coney-barrett-affordable-care-act-obamacare>. See also Andrew Koppelman, “The Real Danger Amy Coney Barrett Poses to ObamaCare,” *The Hill*, September 27, 2020, <https://thehill.com/opinion/judiciary/518485-the-real-danger-amy-coney-barrett-poses-to-obamacare>; The Advisory Board, “Here’s Amy Coney Barrett’s Record on Key Health Care Issues.” September 28, 2020, <https://www.advisory.com/daily-briefing/2020/09/28/supreme-court-nominee>.

⁴ Justice in Aging, “Health Care Provisions in the Bipartisan Budget Act of 2018,” 2018, <https://www.justiceinaging.org/wp-content/uploads/2018/02/Health-Care-Provisions-in-the-Bipartisan-Budget-Act-of-2018.pdf>.

⁵ Centers for Medicare & Medicaid Services, “Nearly 12 Million People with Medicare Have Saved over \$26 Billion on Prescription Drugs since 2010,” Press Release, January 13, 2017, <https://www.cms.gov/newsroom/press-releases/nearly-12-million-people-medicare-have-saved-over-26-billion-prescription-drugs-2010>.

⁶ No one is sure what the Supreme Court will do, even if plaintiffs win. The states bringing the lawsuit define the case’s central issue as follows: “Whether the district court properly declared the ACA invalid in its entirety and unenforceable anywhere.” They thus urged the Court to find “the Affordable Care Act’s major and minor provisions invalid and unenforceable nationwide.” Ken Paxton, et al. “Reply Brief for State Cross-Petitioners.” *California, et al., vs. State of Texas, et al.* Case Nos. 19-840, 19-1019 (Attorney General of Texas, August 18, 2020). https://www.supremecourt.gov/DocketPDF/19/19-840/150528/20200818131609611_Reply%20Brief%20for%20State%20Cross-Petitioners.pdf. It is possible that the Supreme Court will strike down only part of the law. They might make an exception for the portion of the health care law that closed the donut hole, based on 2018 legislation that made it close faster. Justice in Aging, Health Care Provisions in the Bipartisan Budget Act of 2018.

See also Glenn Kessler, “Biden’s claim that Trump is ‘pushing to slash Medicare benefits.’” *Washington Post*. October 13, 2020, citing unnamed experts who believed that the 2018 law prevents the Court from reopening the donut hole. <https://www.washingtonpost.com/politics/2020/10/13/bidens-claim-that-trump-is-pushing-slash-medicare-benefits/>. However, some of the nation’s leading experts on the health law believe that the donut-hole could go back to where it was before 2010 if plaintiffs get what they want from the Supreme Court. According to the Kaiser Family Foundation’s Larry Levitt, “Overturning the ACA is not only about pre-existing condition protections. It’s also about the Medicaid expansion, closing the Medicare drug coverage donut hole, preventive services, Medicare payments to hospitals, taxes, and much more.” Tweet, September 19, 2020. https://twitter.com/larry_levitt/status/130734844119350785. Christen Linke Young of the Brookings Institution, who helped lead implementation of the Affordable Care Act under the Obama Administration, observed that, under a successful lawsuit, “Re-opening the Medicare ‘donut hole’ would be chaotic for insurance companies, drug manufacturers, pharmacies – and consumers.” She noted that federal agencies would need to analyze the impact of the 2018 statute. Christen Linke Young, “A Supreme Court Decision to Strike Down the ACA Would Create Chaos in the Health Care System.” USC-Brookings Schaeffer Initiative for Health Policy, October 19, 2020. https://www.brookings.edu/blog/usc-brookings-schaeffer-on-health-policy/2020/10/13/a-supreme-court-decision-to-strike-down-the-aca-would-create-chaos-in-the-health-care-system/?utm_campaign=Economic%20Studies&utm_medium=email&utm_content=97835222&utm_source=hs_email

⁷ In 2018, the most recent year for which data are available, 32.2 million beneficiaries received Medicare Part D coverage without low-income subsidies and would therefore have seen their benefits cut if the Affordable Care Act had been judicially repealed. Kaiser Family Foundation, “Medicare Beneficiaries Enrolled in Part D Coverage” (Timeframe: 2018), *State Health Facts*, <https://www.kff.org/other/state-indicator/medicare-beneficiaries-enrolled-in-part-d-coverage/?currentTimeframe=0&sortModel=%7B%22colId%22:%22Location%22,%22sort%22:%22asc%22%7D>; Kaiser Family Foundation, “Number of Low-Income Subsidy (LIS) Enrollees” (Timeframe: 2018), *State Health Facts*, <https://www.kff.org/medicare/state-indicator/number-of-low-income-subsidy-lis-enrollees/?currentTimeframe=0&sortModel=%7B%22colId%22:%22Location%22,%22sort%22:%22asc%22%7D>. This analysis understates the number at risk in that people whose participation in the low-income subsidy program ends will experience drug benefit cuts if the Court overturns the entire health care law.

⁸ The exact per capita average was \$1,184. Kaiser Family Foundation, “Potential Impact of California v. Texas Decision on Key Provisions of the Affordable Care Act,” September 22, 2020, <https://www.kff.org/health-reform/issue-brief/potential-impact-of-california-v-texas-decision-on-key-provisions-of-the-affordable-care-act/>.

⁹ See exhibit 2 in Sukyung Chung et al., “Medicare Annual Preventive Care Visits: Use Increased among Fee-for-Service Patients, but Many Do Not Participate,” *Health Affairs* 34, no. 1 (January 2015): 11–20, <https://www.healthaffairs.org/doi/full/10.1377/hlthaff.2014.0483>.

¹⁰ To estimate the number who would lose guaranteed coverage of zero-cost preventive care, we subtracted the number who receive full dual coverage of both Medicare and Medicaid from the total count of Medicare beneficiaries. This underestimated the

number of beneficiaries affected by the health law’s overturn in that some states’ Medicaid programs may not replicate Medicare’s current free preventive benefits. On the other hand, some who lose guaranteed coverage of zero-cost preventive care may be able to fill the gap by purchasing supplemental coverage or relying on retiree health insurance from a former employer.

¹¹ Center of Budget and Policy Priorities, “ACA Repeal Lawsuit Would Cut Taxes for Top 0.1 Percent by an Average of \$198,000, Weaken Medicare Trust Fund,” October 6, 2020, <https://www.cbpp.org/research/health/aca-repeal-lawsuit-would-cut-taxes-for-top-01-percent-by-an-average-of-198000-weaken>.

¹² National Center for Coverage Innovation of Families USA analysis of findings reported by Center on Budget and Policy Priorities, “ACA Repeal Lawsuit.”

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