

June 13, 2017

U.S. Senate  
Washington, DC 20510

Dear Senator:

On behalf of the undersigned organizations representing millions of people who support equality for lesbian, gay, bisexual, transgender, and queer (LGBTQ) people nationwide, we write to express our opposition to the American Health Care Act, and its underlying provisions to repeal and replace the Affordable Care Act (ACA). We are deeply concerned about the negative impact that the American Health Care Act would have on many vulnerable and marginalized communities—including the LGBTQ community—that already face systemic discrimination and healthcare disparities.

The ACA has served as a lifeline for millions of LGBTQ people who too often have found themselves cut off from critical healthcare services. Prior to implementation of the ACA, LGBTQ people had some of the lowest insured rates of any population in the country. The individual market reforms, including the ban on preexisting condition exclusions, have made it possible for many in our community to obtain health insurance for the first time in their lives. For many people living with HIV, as one example, this particular reform has made insurance affordable and treatment accessible. The Medicaid expansion has helped to improve coverage rates among low-income LGB people by eight percent. In addition, tens of thousands of people living with HIV have qualified for care under the Medicaid expansion, gaining access to life-saving treatments before becoming disabled by the virus. As a result, people living with HIV are able to have healthier and longer lives.

The American Health Care Act will have a detrimental impact on the positive trend of health coverage for LGBTQ people and so many other vulnerable populations. The Congressional Budget Office has projected that the provisions of the legislation will result in 14 million Americans losing their health insurance by 2018. That number skyrockets to 23 million by 2026. These projections foreshadow an unacceptable growth in the uninsured rate and an equally unacceptable exacerbation of healthcare disparities.

The American Health Care Act fundamentally changes the healthcare safety-net program we know as Medicaid, imposing a per capita cap funding structure that is estimated to cut \$880 billion in federal funding from state Medicaid programs. The magnitude of the lost funding will have a swift, stark, and devastating impact on the most vulnerable among us: women and children, the elderly, people with disabilities, and persons living with HIV. The legislation also strips the requirement to cover essential health benefits under the Medicaid expansion, leaving millions without access to the critical benefits that often save lives, such as substance abuse treatment and mental healthcare services.

The American Health Care Act's refundable tax credits, which would not be adjusted for income or geographic variation in premiums, would put healthcare coverage out of reach for most people with HIV. These individuals, and others in the gap years before Medicare eligibility, could be charged up to five times more than young adults for their coverage. For LGBTQ older adults, many of whom face pronounced health disparities in physical and mental health, including depression, high blood pressure, heart disease, cholesterol, diabetes, obesity, and HIV/AIDS, cost increases of this magnitude would result in the loss of health care coverage. Expanding the

role of health savings accounts would do little to help many people with HIV and all low-income individuals living paycheck to paycheck, with little or no savings.

Prior to the ACA, employer-provided health plans frequently limited the maximum amount of coverage employees could receive over their lifetime. In 2009, 59% of covered employees had health plans with lifetime maximums, meaning they could face bankruptcy if they encountered serious health problems and were left unable to cover their healthcare costs.<sup>1</sup> By allowing states to seek waivers to specified essential health benefit requirements, the American Health Care Act gives states—and subsequently employers—the ability to narrow the definition of these essential health benefits. Ultimately, this would dismantle the ACA's ban on lifetime limits and annual out-of-pocket spending limits for essential health benefits, once again leaving individuals to risk bankruptcy in order to obtain basic healthcare.<sup>2</sup>

The provision barring Planned Parenthood and its affiliated clinics from participating in essential public health programs goes beyond the parameters of the ACA. This will jeopardize the ability of these providers to deliver preventive healthcare services, such as cancer screenings and STD and HIV testing, as well as services like gender transition-related care that may not be offered elsewhere in many communities. Often, health centers such as Planned Parenthood offer the only culturally competent healthcare available to LGBTQ people, especially in rural and isolated areas. Rather than improving care options, the AHCA would disproportionately impact people—including people of color, immigrants, young people, and members of the LGBTQ community—who already face structural barriers to accessing care.

Finally, eliminating the Public Health and Prevention Fund will undercut local capacity building critical to detect and respond to infectious diseases, such as hepatitis C and HIV, and other public health threats. Abandoning this critical investment will set back public health and security.

We strongly urge the members of the Senate to reject provisions such as those contained in the American Health Care Act that would harm millions of Americans and deny them the health benefits that save lives.

Sincerely,

Adolescent Counseling Services/Outlet  
AIDS Foundation of Chicago  
Alliance For Full Acceptance (AFFA)  
American Civil Liberties Union  
American Psychological Association  
APLA Health

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<sup>1</sup> Kaiser Family Foundation, "Employer Health Benefits: 2009 Annual Survey," 184 (2009), <https://kaiserfamilyfoundation.files.wordpress.com/2013/04/7936.pdf>.

<sup>2</sup> Matthew Fielder, "New Changes to Essential Benefits in GOP Health Bill Could Jeopardize Protections Against Catastrophic Costs, Even for People with Job-Based Coverage," BROOKINGS (March 24, 2017), <https://www.brookings.edu/blog/up-front/2017/03/24/new-changes-to-essential-benefits-in-gop-health-bill-could-jeopardize-protections-against-catastrophic-costs-even-for-people-with-job-based-coverage/>; Matthew Fielder, "Allowing States to Define 'Essential Health Benefits' Could Weaken ACA Protections Against Catastrophic Costs for People with Employer Coverage Nationwide," BROOKINGS (May 2, 2017), <https://www.brookings.edu/2017/05/02/allowing-states-to-define-essential-health-benefits-could-weaken-aca-protections-against-catastrophic-costs-for-people-with-employer-coverage-nationwide/>

Asian & Pacific Islander American Health Forum  
Basic Rights Oregon  
California LGBT Health and Human Services Network  
Callen-Lorde Community Health Center  
Center For Black Equity  
CenterLink: The Community of LGBT Centers  
Colorado Consumer Health Initiative  
Colorado Organization for Latina Opportunity and Reproductive Rights (COLOR)  
Equality California  
Equality Federation  
Equality Florida  
Equality Ohio  
Equality Pennsylvania  
Fair Wisconsin  
Family Equality Council  
Forward Together  
Gender Health Center  
Georgia Equality  
Georgians for a Healthy Future  
GLBTQ Legal Advocates & Defenders (GLAD)  
GLMA: Health Professionals Advancing LGBT Equality  
HealthRIGHT 360  
Human Rights Campaign  
Jackson Cty Democrats (OR) LGBTQ Caucus  
Lambda Legal  
LGBT Center of Raleigh  
Los Angeles LGBT Center  
LPAC  
Movement Advancement Project  
NASTAD  
National Black Justice Coalition  
National Center for Lesbian Rights  
National Center for Transgender Equality  
National Coalition for LGBT Health  
National Council of Jewish Women  
National Queer Asian Pacific Islander Alliance (NQAPIA)  
NEAT - the National Equality Action Team  
One Colorado  
Out2Enroll  
Palmetto Project  
People For the American Way  
PFLAG National  
Progressive Leadership Alliance of Nevada  
PROMO  
Rogue Rainbow Elders  
SAGE (Advocacy & Services for LGBT Elders)  
Sacramento LGBT Community Center  
SCPHCA-SCMHP  
SEIU District 1199 WV/KY/OH  
Sexuality Information and Education Council of the U.S. (SIECUS)  
The Trevor Project

Universal Health Care Action Network of Ohio  
URGE: Unite for Reproductive & Gender Equity  
Whitman-Walker Health  
Young Invincibles