

## Texas v. United States Endangers Health Care for Millions of Children

The Affordable Care Act (ACA) achieved many important gains for children and youth. For example, if they are under age 26, young people can enroll in their parents' private health plans, and former foster children are guaranteed Medicaid coverage. These and other protections would disappear if the plaintiffs in *Texas v. United States* succeed. In this issue brief, we focus on three specific ways children would be harmed if federal judges repeal the ACA:

- » Insurance companies could once again exclude benefits, raise premiums without limit, or deny all coverage based on preexisting conditions to 13 million children with special health care needs — nearly one out of every five children in America.
- » Almost 3 million children gained insurance under the ACA. Many would become uninsured if the law is overturned.
- » More than 40 million children who have private insurance — 54% of all the country's children — would lose guaranteed access to zero-cost preventive care and protection against catastrophic health care costs.

### Children with Special Health Care Needs: Protected under the ACA, Endangered by *Texas v. United States*

Nearly 20% of children under age 18 have one or more special health care needs.<sup>1</sup> Such needs typically involve chronic physical, developmental, behavioral, or emotional conditions, like autism, cerebral palsy, and Down syndrome. These children require specialized and coordinated services, such as mental health counseling, at-home nursing care, and therapies to

address developmental delays.<sup>2</sup> Because their needs often involve a broad range of care, these children are particularly vulnerable to poor outcomes if they are denied health insurance.<sup>3</sup>

Before the ACA, insurance companies in most states could discriminate against both children and adults with preexisting conditions by excluding the benefits they needed, raising premiums without limit, or denying coverage entirely. The ACA protected these children by forbidding discrimination based on health status, by mandating coverage of health care services that children need for healthy development, and by ending lifetime and annual benefit caps that previously imposed major financial burdens on the families of children with special health care needs.<sup>1,4</sup>

Approximately 13 million children with special health care needs and their families now benefit from these protections, which would disappear if *Texas v. United States* led to the ACA's wholesale repeal (Table 1). Nearly one in five U.S. children (18.2%) would lose these vital safeguards, including 5.2 million children who live in states where elected officials are bringing suit to take away those protections.

<sup>1</sup> Plans that operated when the ACA took effect and that continued largely unchanged, including individual and employer plans, are exempt from many ACA safeguards, including required coverage of essential benefits and prohibitions against some categories of insurance company discrimination.

**Table 1. Children under Age 18 with Special Health Care Needs, by State: 2017**  
(Plaintiff States Highlighted in Yellow)

State	Children with special health care needs	
	Number	Percentage of all children under age 18
Alabama	259,600	23.7%
Alaska	33,200	17.9%
Arizona	254,100	15.5%
Arkansas	161,600	22.9%
California	1,139,700	12.6%
Colorado	231,300	18.3%
Connecticut	158,300	21.3%
Delaware	47,200	23.2%
District of Columbia	22,000	17.6%
Florida	844,400	20.1%
Georgia	529,700	21.1%
Hawaii	40,000	13.1%
Idaho	80,700	18.2%
Illinois	573,300	19.8%
Indiana	328,700	20.9%
Iowa	144,900	19.8%
Kansas	148,800	20.9%
Kentucky	237,600	23.5%
Louisiana	250,000	22.6%
Maine	57,900	22.9%
Maryland	266,000	19.8%
Massachusetts	277,400	20.2%
Michigan	453,700	20.8%
Minnesota	226,000	17.4%
Mississippi	168,600	23.6%
Missouri	279,300	20.2%

State	Children with special health care needs	
	Number	Percentage of all children under age 18
Montana	45,600	19.9%
Nebraska	86,600	18.2%
Nevada	112,400	16.5%
New Hampshire	55,000	21.1%
New Jersey	317,800	16.2%
New Mexico	89,400	18.3%
New York	608,200	14.8%
North Carolina	473,800	20.6%
North Dakota	30,000	17.0%
Ohio	547,600	21.0%
Oklahoma	221,600	23.1%
Oregon	165,100	18.9%
Pennsylvania	506,000	19.0%
Rhode Island	42,400	20.5%
South Carolina	227,300	20.6%
South Dakota	35,700	16.5%
Tennessee	290,700	19.3%
Texas	1,090,200	14.8%
Utah	144,700	15.6%
Vermont	23,200	19.8%
Virginia	392,900	21.0%
Washington	310,500	18.8%
West Virginia	87,900	23.8%
Wisconsin	213,000	16.6%
Wyoming	27,200	20.0%
<b>United States</b>	<b>13,358,800</b>	<b>18.2%</b>

Sources: Child and Adolescent Health Measurement Initiative, “National Survey of Children’s Health (2016-2017),” Data Resource Center for Child and Adolescent Health, supported by the U.S. Department of Health and Human Services, Health Resources and Services Administration (HRSA), Maternal and Child Health Bureau (MCHB), 2017 data, <https://www.childhealthdata.org/browse/survey>; U.S. Census Bureau, “Annual Estimates of the Resident Population by Sex, Age, Race, and Hispanic Origin for the United States and States: April 1, 2010 to July 1, 2017,” American FactFinder, [https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=PEP\\_2017\\_PEPASR6H&prodType=table](https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=PEP_2017_PEPASR6H&prodType=table).

Note: Numerical state-level estimates of children with special health care needs were calculated by multiplying National Survey of Children’s Health’s state-level estimates of the percentage of children under age 18 who have special health care needs by the number of children in each state as estimated by the U.S Census Bureau for 2017.

## Children Losing All Insurance Coverage

The ACA provided health insurance to 2.8 million children who would otherwise have been uninsured (Table 2). If the federal courts repeal the ACA, those children would be at risk of losing coverage.

Table 2. Children Who Gained Health Coverage under the ACA (Plaintiff States Highlighted in Yellow)

State	Number of children	State	Number of children
Alabama	44,000	Montana	13,000
Alaska	<5,000	Nebraska	<5,000
Arizona	75,000	Nevada	74,000
Arkansas	17,000	New Hampshire	-
California	593,000	New Jersey	53,000
Colorado	79,000	New Mexico	33,000
Connecticut	<5,000	New York	113,000
Delaware	-	North Carolina	96,000
District of Columbia	-	North Dakota	-
Florida	287,000	Ohio	51,000
Georgia	87,000	Oklahoma	30,000
Hawaii	-	Oregon	51,000
Idaho	23,000	Pennsylvania	39,000
Illinois	77,000	Rhode Island	-
Indiana	31,000	South Carolina	68,000
Iowa	9,000	South Dakota	-
Kansas	19,000	Tennessee	22,000
Kentucky	23,000	Texas	432,000
Louisiana	36,000	Utah	35,000
Maine	-	Vermont	-
Maryland	19,000	Virginia	38,000
Massachusetts	5,000	Washington	66,000
Michigan	29,000	West Virginia	-
Minnesota	47,000	Wisconsin	28,000
Mississippi	36,000	Wyoming	-
Missouri	7,000	<b>United States</b>	<b>2,819,000</b>

Source: Bowen Garrett and Anuj Gangopadhyaya, Who Gained Health Insurance Coverage under the ACA, and Where Do They Live? (Washington, DC: Urban Institute, December 2016), <https://www.urban.org/sites/default/files/publication/86761/2001041-who-gained-health-insurance-coverage-under-the-aca-and-where-do-they-live.pdf>.

Note: For states without an estimate, health coverage gains and losses could not be precisely estimated.

## Privately Insured Children Losing Guaranteed Preventive Care and Coverage of Catastrophic Health Care Costs

More than 40 million children — or 54% of all U.S. children — now receive private coverage through an employer plan or the individual market (Table 3). If federal courts repeal the ACA, these children would lose the law's guaranteed coverage of more than 25 evidence-based preventive services without any deductibles, coinsurance, or copayments. This care, essential for children's healthy development, includes immunizations; behavioral and developmental assessments; iron and fluoride supplements; obesity screening and counseling; screening for depression in mothers of newborns; and screenings for autism, vision impairment, hearing impairment, blood lead levels, lipid disorders, tuberculosis, adolescent

depression, certain genetic diseases, and sexually transmitted diseases in newborns and teens, among other services.<sup>5</sup> If the courts repeal the ACA, insurance companies could once again impose any desired copayments, coinsurance, or deductibles or flatly deny coverage of particular preventive services.

America's 40 million children with private coverage would also lose the ACA's protection against lifetime or annual limits. As was true before the ACA, children who require expensive medical treatment for serious conditions, like leukemia, could see their families bankrupted as a result of their treatment or be forced to go without essential care for many years. The children losing these protections include 14.6 million whose elected representatives brought *Texas v. United States* — fully 52% of all children who live in the plaintiff states.

Children who require expensive medical treatment for serious conditions, like leukemia, could see their families bankrupted as a result of their treatment or be forced to go without essential care for many years.

**Table 3. Children with Private Insurance Who Will Lose Guaranteed Coverage of Zero-Copayment Preventive Care and Catastrophic Medical Costs if the ACA Is Repealed, by State: 2017 (Plaintiff States Highlighted in Yellow)**

State	Children with insurance through an employer or the individual market		State	Children with insurance through an employer or the individual market	
	Number	Percentage of all children age 18 and younger		Number	Percentage of all children age 18 and younger
Alabama	554,300	49%	Montana	121,000	53%
Alaska	79,100	41%	Nebraska	310,000	64%
Arizona	874,900	52%	Nevada	388,900	56%
Arkansas	303,500	41%	New Hampshire	172,300	66%
California	4,893,200	52%	New Jersey	1,321,400	64%
Colorado	733,600	56%	New Mexico	187,000	37%
Connecticut	478,700	62%	New York	2,357,000	55%
Delaware	122,800	59%	North Carolina	1,185,300	50%
District of Columbia	58,100	46%	North Dakota	124,800	71%
Florida	2,057,200	47%	Ohio	1,557,000	58%
Georgia	1,334,000	52%	Oklahoma	459,100	46%
Hawaii	170,500	55%	Oregon	502,200	56%
Idaho	254,900	56%	Pennsylvania	1,620,000	59%
Illinois	1,764,500	58%	Rhode Island	125,100	58%
Indiana	933,800	58%	South Carolina	556,600	50%
Iowa	480,800	64%	South Dakota	133,300	63%
Kansas	451,700	62%	Tennessee	808,900	52%
Kentucky	520,000	50%	Texas	3,743,200	49%
Louisiana	507,200	44%	Utah	695,600	73%
Maine	160,800	61%	Vermont	53,200	45%
Maryland	855,600	61%	Virginia	1,175,900	61%
Massachusetts	893,200	62%	Washington	953,800	56%
Michigan	1,300,800	58%	West Virginia	185,300	48%
Minnesota	878,900	66%	Wisconsin	854,000	65%
Mississippi	312,100	42%	Wyoming	88,600	62%
Missouri	851,000	60%	<b>United States</b>	<b>41,509,300</b>	<b>54%</b>

Source: Kaiser Family Foundation, “Health Insurance Coverage of Children 0-18,” data from 2017, <https://www.kff.org/other/state-indicator/children-0-18/?dataView=o&currentTimeframe=o&sortModel=%7B%22colld%22:%22Location%22,%22sort%22:%22asc%22%7D>. KFF estimates are based on the U.S. Census Bureau’s American Community Survey.

## Conclusion

Millions of children would have their access to essential health coverage and care placed at risk or taken away entirely if unelected federal judges strike down the ACA. Recent decades have seen our country take major strides toward providing all children with the services they need to grow up healthy and strong. Our nation's leaders should focus on making further progress for young people, rather than ripping away the hard-won gains America has secured for its children since the ACA's enactment.

## Endnotes

<sup>1</sup> U.S. Health and Human Services Department, Health Resources and Services Administration, Maternal and Child Health Bureau, "Children with Special Health Care Needs," accessed June 26, 2019, <https://mchb.hrsa.gov/maternal-child-health-topics/children-and-youth-special-health-needs>.

<sup>2</sup> MaryBeth Musumeci and Priya Chidambaram, *Medicaid's Role for Children with Special Health Care Needs: A Look at Eligibility, Services, and Spending* (San Francisco, CA: Kaiser Family Foundation, June 2019), <http://files.kff.org/attachment/Issue-Brief-Medicoids-Role-for-Children-with-Special-Health-Care-Needs-A-Look-at-Eligibility-Services-and-Spending>.

<sup>3</sup> Kristine Goodwin, *Health Reform and Children with Special Needs* (National Conference of State Legislatures, September 2014), <http://www.ncsl.org/documents/health/Specialneeds914.pdf>.

<sup>4</sup> Goodwin, *Health Reform*.

<sup>5</sup> Kaiser Family Foundation, *Preventive Services Covered by Private Health Plans under the Affordable Care Act* (Menlo Park, CA: Kaiser Family Foundation, August 2015), <http://files.kff.org/attachment/preventive-services-covered-by-private-health-plans-under-the-affordable-care-act-fact-sheet>; U.S. Health and Human Services Department, Centers for Medicare & Medicaid Services, "Preventive Care Benefits for Children," accessed June 27, 2019, <https://www.healthcare.gov/preventive-care-children/>; National Conference of State Legislators. "Preventive Services Covered under the Affordable Care Act," February 2014, <http://www.ncsl.org/research/health/american-health-benefit-exchanges-b.aspx>.

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