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**NEWS RELEASE**



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**AMERICAN NURSES ASSOCIATION FILES AMICUS BRIEF  
IN SUPPORT OF HEALTH INSURANCE REQUIREMENT**

**SILVER SPRING, MD** – The American Nurses Association (ANA) today filed an *amicus* (friend of the court) brief challenging several state officials’ meritless claim that the landmark Affordable Care Act (ACA) violates the United States Constitution. The case, *State of Florida et al. vs. U.S. Department of Health and Human Services et al.*, is pending in the U. S. District Court for the Northern District of Florida. The plaintiffs now include attorneys general and governors from 20 states. The issues in the case are whether the requirement that individuals carry health insurance and the expansion of Medicaid coverage to persons who earn up to 133% of the federal poverty level are constitutional.

ANA supports the constitutionality of the ACA, and in its *amicus* brief, provided information and its unique perspective on the necessity of the law’s “minimum coverage provision.”—This provision will require individuals to carry health insurance when they would otherwise not have it through employment or programs such as Medicare or Medicaid.

“The minimum coverage provision is essential if we wish to fix our broken health care system,” said ANA President Karen A. Daley, PhD, MPH, RN, FAAN. “If the plaintiffs are successful in eliminating this provision, it will gut the law and obstruct our ability to provide dependable, less costly health care for all Americans.”

The brief supports the constitutionality of the minimum coverage requirement based on the Necessary and Proper clause of the Constitution, which allows Congress to enact requirements that are necessary to support and make meaningful other aspects of the law that are adopted pursuant to Congress’ other enumerated powers. The evidence cited by ANA makes it clear that the reforms of the ACA, such as prohibiting denial

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of health insurance based on pre-existing conditions, will not succeed unless insurance is more uniformly attained. States that have adopted insurance or health care reform without also adopting minimum coverage requirements have faced increasing premium rates. In contrast, Massachusetts has implemented reform along with a minimum coverage requirement, and premiums have been reduced.

Minimum coverage requirements are needed to spread risk and cost across the health care delivery system under ACA. ANA's members and registered nurses generally are acutely aware of the burdens on patients and the health care system when a lack of insurance delays or denies health care. An uninsured patient whose condition deteriorates because they are unable to afford less expensive preventive or early care will nonetheless ultimately receive expensive emergency treatment when that condition becomes critical.

The cost of this uncompensated care is then distributed to other patients or to government health programs such as Medicare or Medicaid. According to one study, this cost shifting adds, on average, \$410 to each individual insurance premium and \$1,100 to each family premium. There is also robust data demonstrating that uninsured patients' diminished access to care causes their medical conditions to deteriorate. For example, five-year survival rates for uninsured adults were significantly lower than for privately insured adults diagnosed with breast or colorectal cancer—two prevalent cancers for which there are effective screening tests and treatments demonstrated to improve survival.

Daley, who worked for more than two decades in the emergency department, commented, "Patients who lack access to routine primary care pay a high price in terms of their health, and all of us bear the burden of the costs of their care."

The facts that ANA provided to the court underscore the validity of Congress' determination that the minimum coverage requirement is necessary to make reform meaningful. ANA's brief is available at <http://www.nursingworld.org/amicus-aca>

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*The American Nurses Association (ANA) is the only full-service professional organization representing the interests of the nation's 3.1 million registered nurses through its constituent member nurses associations, its organizational affiliates, and its workforce advocacy affiliate, the Center for American Nurses. The ANA advances the nursing profession by fostering high standards of nursing practice, promoting the rights of nurses in the workplace, projecting a positive and realistic view of nursing, and by lobbying the Congress and regulatory agencies on health care issues affecting nurses and the public.*