

PRESS RELEASE

FOR IMMEDIATE RELEASE
Monday, Dec. 13, 2010

CONTACT:
Dave Lemmon
Bob Meissner
Airrion Andrews
(202) 628-3030

***Partial Victory, Partial Loss for Affordable Care Act in Virginia Court
Decision about Health Reform Law***

***Current Litigation Scoreboard: Two Complete Victories on the Merits for the Act, 12
Procedural Victories, and One Partial Victory***

Today, Judge Henry E. Hudson, Federal District Court Judge for the Eastern District of Virginia, filed his decision on Virginia Attorney General Ken Cuccinelli's constitutional challenge to the Affordable Care Act – the federal health reform legislation adopted in March 2010. Families USA, the national organization for health care consumers, participated in the filing of an amicus brief supporting the legislation. The following is the statement of Ron Pollack, Executive Director of Families USA, about the decision:

"Today's decision rejects the attempt to strike down the Affordable Care Act, even though it regrettably invalidates the 'individual responsibility' provision of the law. The court made clear that it does not agree with Virginia Attorney General Cuccinelli's request to strike down the entire statute.

"As a result, the litigation scoreboard now shows two complete victories on the merits for the Affordable Care Act, 12 procedural victories for the Act, and one partial victory. This means that the process for implementing the Affordable Care Act will continue to move forward around the country.

"As delighted as we are about the judge's decision rejecting the challenge to the entire statute, we believe his ruling on the 'individual responsibility' provision is short-sighted. Since everyone, at some point in their lives, receives health care, it is simply incorrect to assume that the law requires people to enter the health care marketplace. Rather, it ensures that people take responsibility to pay for the health services they inevitably receive, instead of foisting their health bills on neighbors and taxpayers.

"Unfortunately, striking the 'individual responsibility' provision could also jeopardize the most popular insurance reform in the statute: preventing insurance companies from denying health coverage to people with pre-existing health conditions. While politically motivated opponents of the Affordable Care Act, like Attorney General Cuccinelli, may applaud this decision, for people with health conditions it could be quite tragic.

"It is ironic and hypocritical that Attorney General Cuccinelli, who wants to invalidate the important benefits and rights in the Affordable Care Act, enjoys those same benefits and rights through taxpayer-provided health coverage. It is regrettable that he wishes to take away from others what he intends to keep for himself.

“It is our expectation that, after the many lawsuits run their course through the appeals process, the Affordable Care Act will be upheld in its entirety. As a result, our nation will move much closer to the achievement of high-quality, affordable health coverage and care for all Americans.”

-30-

Families USA is the national organization for health care consumers. It is nonprofit and nonpartisan, and its mission is to secure high-quality, affordable health coverage and care for all Americans.

Families USA | 1201 New York Ave., NW, Suite 1100, Washington, DC 20005
www.familiesusa.org | info@familiesusa.org