

Statement of Support for Affordable Care Act Brief

Friend-of-the-court brief filed in *U.S. Department of Health & Human Services v. Florida*, U.S. Supreme Court

MARCH 2012

We Support Full Implementation of the Affordable Care Act to Improve Health Care for People Living With HIV

The undersigned organizations support the continued and full implementation of the Affordable Care Act, which will improve access to health care for people living with HIV and, in turn, help stem the tide of the HIV/AIDS epidemic.

BACKGROUND

In March 2012, the U.S. Supreme Court will hear challenges to the Patient Protection and Affordable Care Act (ACA) that are likely to determine whether the law and its comprehensive health reforms will stand or fall.

The organizations listed here are proud to endorse the friend-of-the-court brief filed by Lambda Legal and 15 other HIV advocacy organizations in support of the federal government's position in the pending U.S. Supreme Court review of this legislation.

The ACA expands critical access to health care coverage for millions of people, and will especially benefit those living with HIV, who commonly have been excluded from the private insurance market and whose health care needs have been inadequately met by the existing patchwork of federal and state programs. Without the health care coverage reforms included in the ACA, thousands will continue needlessly to suffer serious harmful consequences to their health, remain untested and unaware of their HIV status, or contract HIV. Spread of the virus could be dramatically reduced through expanded access to healthcare coverage.

FRIEND-OF-THE-COURT BRIEF

The brief submitted by Lambda Legal and 15 other advocacy organizations to the U.S. Supreme Court in *U.S. Department of Health and Human Services v. Florida* (No. 11-398) argues that the ACA's minimum coverage requirement (also known as the individual mandate) is constitutional under the federal Commerce Clause and Necessary and Proper Clause.

The brief focuses on the national crisis in HIV-related health care and insurance coverage as a prime "case study" demonstrating why the ACA's reforms, including expanded Medicaid coverage, elimination of pre-existing condition exclusions, and the minimum coverage requirement are a proper exercise of congressional power to address a broken national healthcare system.

In 2006, Massachusetts enacted health care reform legislation similar to the ACA, featuring a minimum coverage requirement and nearly universal access to insurance, including for people with HIV. Between 2005 and 2008, Massachusetts had a 37% decrease in HIV infections while the nation had an 8% increase. Expanded access to health coverage has allowed Massachusetts to focus its federally-subsidized HIV/AIDS programs more on preventive care and related services and less on care for complications associated with an AIDS diagnosis. These changed circumstances in

Massachusetts foretell what the nation can expect once the ACA is fully implemented.

By looking through the prism of our nation's struggle to address the HIV/AIDS epidemic, the brief illuminates the interstate commerce implications of the minimum coverage requirement.

Lambda Legal's HIV Project Director, Scott Schoettes, Director of Constitutional Litigation, Susan Sommer, and Deputy Legal Director, Hayley Gorenberg, are joined as counsel on the brief by Ropes & Gray LLP attorneys Douglas Hallward-Driemeier, Bradley Grossman, Brendon Carrington, and Jacob Heller.

The following organizations are listed as signatories on the amicus brief filed at the U.S. Supreme Court: AIDS United, Asian and Pacific-Islander Coalition on HIV/AIDS (APICHA), Black AIDS Institute, Center for HIV Law and Policy, Gay and Lesbian Advocates & Defenders (GLAD), Gay and Lesbian Medical Association (GLMA), HIV Medicine Association (HIVMA), HIV Prevention Justice Alliance (HIV PJA), Latino Commission on AIDS, National Association of People with AIDS (NAPWA), National Center for Lesbian Rights (NCLR), National Center for Transgender Equality (NCTE), National Native American AIDS Prevention Center (NNAAPC), U.S. Positive Women's Network/WORLD, and Treatment Access Expansion Project (TAEP).

SUPPORTING ORGANIZATIONS

9to5 National Association of Working Women
ADAP Educational Initiative
African American Health Alliance
African Services Committee
AID Atlanta
AIDS Action Coalition
AIDS Action Baltimore, Inc.
AIDS Alabama
AIDS Alliance for Children Youth & Families
AIDS Care Service, Inc.
AIDS Community Research Initiative of America
AIDS Foundation of Chicago
AIDS/HIV Services Group (ASG)
AIDS Institute, The
AIDS Interfaith Network
AIDS Legal Council of Chicago

AIDS Legal Referral Panel
 AIDS Partnership Michigan
 AIDS Project of Central Iowa
 AIDS Resource Center Ohio
 AIDS Response Seacoast
 AIDS Services for the Monadnock Region
 AIDS Services Foundation Orange County
 AIDS Services of Dallas
 AIDS Taskforce of Greater Cleveland
 Alder Health Services, Inc.
 American Medical Student Association
 Arkansas AIDS Foundation
 Asian & Pacific Islander Wellness Center
 Association of Clinical Trial Services, The
 Association of Reproductive Health Professionals (ARHP)
 Bienestar Human Services
 Birmingham AIDS Outreach
 Bronx AIDS Services
 Callen-Lorde Community Health Center
 Campaign for Better Health Care, Illinois
 Canticle Ministries, Inc.
 Cascade AIDS Project
 CenterLink: The Community of LGBT Centers
 Chicago Black Gay Men's Caucus
 Chicago House and Social Service Agency
 Chicago Recovery Alliance
 Christian Community Health Center
 Cleve Jones Wellness House, The
 Coalition of HIV/AIDS Nonprofits and Governmental Entities (CHANGE)
 Colorado AIDS Project
 Community Healthcare Network
 Community Information Center, Inc.
 Community Research Initiative (CRI)
 Family Planning Council
 GALAEI – the Gay and Lesbian Latino AIDS Education Initiative
 Gay Men's Health Crisis
 Gender Justice Nevada
 Get-Right! Organization, Inc., The
 GIFF, Inc.
 Greater Love Tabernacle-HIV Services
 Health GAP (Global Access Project)
 HealthHIV
 Health Services Center, Inc.
 HIV & AIDS Legal Services Alliance (HALSA)
 HIV Law Project
 HIV Program of the General Internal Medicine Practice at Temple University Hospital
 Howard Brown Health Center
 Human Rights Campaign
 International Community of Women Living with HIV, The (ICW Global)
 Legal Action Center
 Legacy Community Health Services
 Lesbian and Gay Psychotherapy Association
 Lifelong AIDS Alliance
 Los Angeles Gay & Lesbian Center
 Marin AIDS Project
 Mautner Project: The National Lesbian Health Organization
 Mazzoni Center
 Medical AIDS Outreach of Alabama

Multicultural AIDS Coalition
 Multicultural Leadership Institute, Inc., The
 Nashville CARES
 National Alliance of State & Territorial AIDS Directors (NASTAD)
 National Association of Social Workers
 National Black Justice Coalition
 National Black Women's HIV/AIDS Network (NBWHAN)
 National Coalition for LGBT Health
 National Gay and Lesbian Task Force
 National Latino AIDS Action Network (NLAAN)
 National Minority AIDS Council
 New Orleans Regional AIDS Planning Council
 New York Association for Gender Rights Advocacy (NYAGRA)
 Nightsweats & T-cells, Co.
 North Carolina AIDS Action Network
 Northern Colorado AIDS Project
 Northwest Florida AIDS Consortia (NOFLAC)
 Ohio AIDS Coalition
 Open Door Clinic
 Pacientes de SIDA pro Política Sana
 Pediatric AIDS Chicago Prevention Initiative
 PFLAG National (Parents, Families and Friends of Lesbians and Gays)
 Pittsburgh AIDS Task Force
 Progressive Leadership Alliance of Nevada
 Project Inform
 PWLA- Positively U, Inc.
 Queer People's Health Collective
 Racial and Ethnic Health Disparities Coalition
 Raising Women's Voices for the Health Care We Need
 San Francisco AIDS Foundation
 San Francisco LGBT Community Center
 Services and Advocacy for GLBT Elders (SAGE)
 Sexuality Information and Education Council of the U.S. (SIECUS)
 Southern NH HIV/AIDS Task Force
 Southwest CARE Center
 Spokane AIDS Network
 Supportive Housing Providers Association
 Tennessee Transgender Political Coalition
 Test Positive Aware Network
 TILTT, Inc. (Transgender Individuals Living Their Truth, Inc.)
 Transgender Law Center
 Transgender Legal Defense & Education Fund
 Tri-City Health Center
 Unity Wellness Center
 Urban League of Hampton Roads, Inc.
 Wateree AIDS Task Force
 Washington HIV/AIDS Community Advocacy Network (WHACAN)
 Well Project, The
 Whitman-Walker Health
 Who's Positive
 Women Together For Change, Inc
 Woodhull Sexual Freedom Alliance
 XAS Consulting, LLC
 You Are Strong! Center on Veterans Health and Human Services
 YouthPride, Inc.
 Zuna Institute

For more information:

Read the full brief prepared by Lambda Legal, www.lambdalegal.org/in-court/legal-docs/dept-of-hhs_us_20120113_brief-for-amici-curiae