

 **Planned Parenthood**

SUITE 103



2021 WINTER  
**HORIZONS**

A Publication of Planned Parenthood South Texas

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## MISSION STATEMENT

We provide and protect the health care and information people need to plan their families and their futures.

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## Thank you to our generous funders

The work of Planned Parenthood South Texas is made possible by support from you and from institutional partners, including:



# President's Message

**Each fall is budget building season at PPST**, culminating in a presentation to the board seeking their approval before the end of year. This past fall also included a presidential election, bringing news that a terribly unhelpful Trump administration would give way to a Biden administration that has stated it will be much more helpful to health care generally, and specifically helpful in the areas of family planning, abortion rights, and sexual and reproductive health care.

It was my intention to devote this column to explaining how a favorable administration in the White House will not ameliorate the challenges we face in Texas; challenges driven by the elected leadership we have in our governor and a number of offices. This dual reality—a favorable White House (and now both chambers of the federal congress) and an unfavorable state government—is certainly upon us.

There is reason to be hopeful that in time, a Biden administration and appointees therein can help our mission (see page 17). At the same time, the recent ruling from the U.S. Fifth Circuit Court of Appeals allowing Texas to proceed in excluding Planned Parenthood organizations from Medicaid is the latest painful example of what we are up against from the state. There is nothing Biden as President can do to overrule that court nor stop Governor Abbott in this matter.

More trouble is brewing as the Texas Legislature comes into session. Several

members pre-filed terrible bills and have stated that stopping abortion in Texas is their priority this session. If these bills become law, I am confident we will challenge them in court, but with Justice Amy Coney Barrett and a conservative

majority at SCOTUS, I am not confident about the ultimate outcome of such a challenge. The policy burdens and politics that PPST operates under in Texas are enormous.

But then recent events, particularly those of January 6, reset my perspective. My mind began to assess threats anew and organize them differently.

**Each day the morning light shines on the opportunity to create the future. The future of the nation must deliver on the promise of our laws and the Constitution itself.**

- There is a pandemic that has killed hundreds of thousands and is sickening millions more. The culprit is a virus that appears to mutate faster than we vaccinate.
- The nation's desire, or perhaps its ability, to ignore the systemic racism and implicit bias created by centuries of Black slavery is slipping. A long overdue reckoning on racial justice is emerging, the outcome of which will determine the soul of the nation going forward. Who we are as a people will be defined by what we do with this opportunity. This may be our last chance to redeem the nation and become what we describe in our laws and our Constitution.
- Environmental degradation is all around us. Its destruction does not pause because we are working on other challenges. We overlook this pressing truth at our peril.

## President's Message (cont.)

- On January 6, a mob stormed the nation's capital, a thing we thought not possible from the perspective of physical security and unimaginable otherwise. This mob was not a foreign power. It was us. I use the word "us" because the events of the day made clear that at least some U.S. citizens see things very differently from, well, me, and I think you. If the nation is to move forward on any number of issues, doing so must include the reality that these people are in our midst.

Do the challenges facing PPST fit into the above list of existential threats to the nation? I offer you this answer: We would do well to see the connection because it is clearly there.

**At its core, the mission of PPST—to provide and protect the health care and information people need to plan their families and their futures—exists concomitantly to a vision of equality, justice, and opportunity for all. In our view of the future, there is no place for hatred or discrimination or injustice because those things interfere with the ability of the individual to realize their own personal vision for the family and the future they desire.**

In our future, we see a more just and equitable world, and that presupposes the world and its ecologically habitable nature endures.

Due to the nation's terrible history of discrimination and injustice, and because of the way new challenges (the pandemic is a perfect example, but environmental degradation is another) disproportionately impact those who already face barriers, that means groups who have historically faced discrimination, disenfranchisement, and

obstructions to opportunity must be prioritized. **Lifting up all people to reach their full potential—and to create the best possible future for the families they may choose to have—lifts up the nation as a whole and increases our collective possibilities for success.**

We face great challenges. It feels that we are at an existential inflection point where numerous crises come at us simultaneously. It will take all of us working together in order to meet these challenges. No group, categorically, can be told to sit in the back of the bus.

In his 2013 book *The Unwinding: An Inner History of the New America*, George Packer tells us that the structures of a society unwind, from time to time, and give way to a new constitution of society. Things unwind, and then assemble differently for a new version of things.

Each day the morning light shines on the opportunity to create the future. The future of the nation must deliver on the promise of our laws and the Constitution itself. That nation, that future, must include a new sensibility regarding family planning, abortion care, and all manner of sexual and reproductive health without the shame and guilt and judgment that has characterized the Post-Victorian Stress Syndrome we've operated under for so long (I'll expand on PVS Syndrome in the next issue of Horizons—stay tuned).

Our work at PPST is unfinished. My commitment and dedication to this work is all the more inspired knowing that we are doing our part to advance a world characterized by opportunity, fairness and equity. Let's get back to work.

**—Jeffrey Hons  
President & CEO**



# Words from our patients...



The staff was awesome. All questions and issues were answered knowledgeably and with excellent professionalism. Every visit I felt comfortable and was confident my issues were addressed correctly. Offices such as this one should be the model for how doctor offices should be run.

PP Perrin Beitel took wonderful care of me. I was nervous and all the staff were very welcoming and helpful. A great experience!

Thank you for your sweet service and taking care of everything for me very fast and professional. Staff was very sweet.

My experience with Planned Parenthood made my appointments comfortable, affordable, and informative. I was used to paying really high bills, and thought it was normal, however coming to PP it is about helping women with their needs, while working with their income.

Planned Parenthood has helped me ~~very~~ by preventing health issues with my sexual health, as well as destigmatizing the notion of a sexually active woman. They come through time and time again whenever I have concerns about my wellbeing, whether it is through physical, sexual, or even mental health. Thank you for all you do! ❤️

After ordering & signing for IUD with [redacted] they still had me waiting for 2 months saying they did not have any available openings for me. Planned Parenthood helped me out as soon as I called and took me in that very same day! Thank you once again!

Please describe how Planned Parenthood has been here for you, your family, or your friends:

This planned Parenthood has treated me so well! I always feel taken care of! They never make me feel dumb for asking questions. I seriously/highly recommend this place.



# Opening New Doors to Care

With vibrant colors, a cheerful lobby, and state-of-the-art exam rooms, our new Southeast health center in San Antonio provides a beautiful and welcoming space for patients.

In December, Planned Parenthood South Texas moved a health center from East Southcross Road to its new home at 7022 S. New Braunfels Ave. at Pecan Valley Drive.

After nearly two decades ago at the previous site, we relocated to a new space adjacent to Brooks City Base – a rapidly growing and popular area of the city – to provide a better patient experience.



***“We’re excited for patients to visit us in our brand-new location, where they can get the health care they need in an attractive, warm environment,”*** said Center Manager **Betty Hernandez.**

The new health center has an improved location, layout and appearance. The 1,838-square-foot clinic features a colorful lobby, two spacious exam rooms, and a fully equipped lab area.

Beyond benefits for patients, the new location has advantages for PPST. It’s a rental space, which helps us with flexibility and resources during unpredictable times. The old facility had excess square footage that we didn’t use; the new space is slightly smaller, so the monthly rental payment is less than that of the old location.

In 2019, the Southeast health center served 2,772 patients. We look forward to serving patients at this new health center for years to come! If you’d like to book an appointment, go to [ppsouthtexas.org](https://ppsouthtexas.org) or call **210-333-5454**.

# Texas terminates Planned Parenthood from Medicaid



**After a five-year legal battle**, without regard for our patients, Texas has terminated Planned Parenthoods throughout the state from participating in the Medicaid program.

For decades, Planned Parenthood has been a trusted health care provider for thousands of patients who are covered under the Medicaid program. Through Medicaid, patients who qualify receive Pap tests, birth control, testing and treatment for sexually transmitted infections, UTI treatments, and more at no cost to them. Approximately 8%, or more than 1,600 patients, used Medicaid to pay for their health care at Planned Parenthood health centers in South Texas in 2019.

One of these patients is Jenna\*, a 22-year-old, who is non-verbal and has autism. Her grandmother, Dora\*, has been bringing Jenna to Planned Parenthood for gynecological care, including menstruation suppression.

***"We moved here from California about 5 years ago, we tried going to other places and then we found Planned Parenthood. Few doctors understand how to care for people with special needs...y'all have been a Godsend,"*** said Dora in a conversation with our Director of Public Affairs, Mara Posada. "I don't know what we're going to do come January."

On October 19, 2015 Governor Greg Abbott notified the media that Planned Parenthood affiliates in Texas would be terminated from the Medicaid program. When we actually received official notification, the state's notice declared that the move to cut Planned Parenthood from Medicaid was based on the thoroughly discredited, bogus videos launched earlier that year by anti-choice extremists. These videos did not feature any staff members from Planned Parenthood South Texas, and our exclusion was based simply on our "affiliation" with other Planned Parenthood organizations.

We filed a lawsuit in November 2015 and have been in court for the last five years, fighting to protect our patient's right to continue using their Medicaid coverage to see the providers they know and trust.

On November 23, 2020, we lost the latest battle when the United States Court of Appeals for the Fifth Circuit ruled Texas can indeed terminate Planned Parenthood from the Medicaid program. The 5th Circuit also ruled that, while Medicaid beneficiaries have a right to see any qualified provider, they do not have right in challenging the State's determination that a provider is "unqualified."



Texas Attorney General Ken Paxton, who is under investigation by the FBI for alleged abuse of office, applauded the ruling. It shouldn't surprise anyone that he and Governor Abbott, in their ongoing war on access to safe, legal abortion, are putting politics before facts, and are putting the health and lives of thousands of Texans in the political crosshairs.

**At Planned Parenthood, our health center staff will continue to do everything we can to serve everyone who needs access to expert health care.**

Governor Abbott's handling of the COVID-19 crisis has been informed by politics as well. Ideology has been allowed to trump science at a time when people need care more than ever. This terrible decision on Medicaid will be disastrous for public health and will disrupt access to health care at a time when people need it more than ever.

At Planned Parenthood, our health center staff will continue to do everything we can to serve everyone who needs access to expert health care. Federal and state rules make it challenging to continue seeing people with Medicaid insurance, even if they pay out-of-pocket or we use private philanthropy to pay for their health care. However, we continue to work with our legal team in reviewing all our options.

***"Gov. Abbott knows exactly who he's hurting – people of color, women, and people with low incomes. Let's be clear – patients should be able to go to the provider they know and trust regardless of their zip code and income level ... we will fight back against any politician who doesn't prioritize expanding accessible, affordable quality health care."***

**– Alexis McGill Johnson  
President & CEO, Planned Parenthood Federation of America**

*\*Names changed for privacy*



HEALTH INSURANCE CLAIM

PICA  MEDICARE  MEDICAID  TRICARE CHAMPUS  CHAMPVA  SPECIAL HEALTH PLAN   
(Medicare #) (Medicaid #) (Sponsor's SSN) (Member ID#) (SSN or ID#)

PATIENT'S NAME (Last Name, First Name, Middle Initial) 3. PATIENT'S BIRTH DATE (MM/DD)

PATIENT'S ADDRESS (No., Street) STATE 6. PATIENT RELATIONSHIP (Self  Spouse  Other )

8. PATIENT STATUS (Single  Married  Divorced  Widowed  Employed  Unemployed

10. IS PATIENT A ...

# Expanding primary care services in 2021



Since our founding in 1939, Planned Parenthood South Texas has always focused on family planning, and that's not changing. But clinic staff has observed that patients are asking them for help with other health concerns more and more often.

Diabetes, high blood pressure, asthma – these are conditions that are common in the communities we serve, and it's not always easy for patients to find or afford care for them. Texas has the highest rate of uninsured residents in the nation as well as a shortage of providers for low-income, uninsured residents.

In response, we have launched primary care services to better meet the needs of our patients. In November, we promoted one of our physicians to Medical Director for Primary Care to oversee this expansion of our services.

Primary care services are now available at our 920 San Pedro Ave. Suite 150 location and will roll out to all health centers this spring.

"We have known for a long time that for 80 percent of our patients, we are the only health care provider they have," said Polin Barraza, R.N., Senior Vice President and COO. "They don't have primary care physicians. By helping them with other common health issues, it fills a need in San Antonio and the Rio Grande Valley."



PPST clinicians can treat acute conditions such as flu, strep throat, and eye infections, as well as manage mild chronic conditions such as diabetes and thyroid disorders. If more intensive care is needed for advanced conditions, clinicians refer patients to the appropriate specialists.

Like our sexual and reproductive health care services, our primary care services are available on a sliding fee scale based on family size and income. That means patients without insurance or the resources to cover the whole cost of their care can receive financial assistance. Primary care services are also available through telehealth appointments. **If you were ever considering becoming a patient at Planned Parenthood, now may be the time!**

## PRIMARY CARE SERVICES

- Diabetes
- High blood pressure
- High cholesterol
- Anemia
- Eye & ear infections
- Asthma
- Mental health screenings
- Sore throat
- Acid reflux
- Seasonal allergies
- Acne
- Thyroid disorders
- Weight management



## Expanding gynecological services

At PPST, we want patients to have the best possible health outcomes. That's why we are beginning to perform some of the gynecological procedures that we had previously referred out.

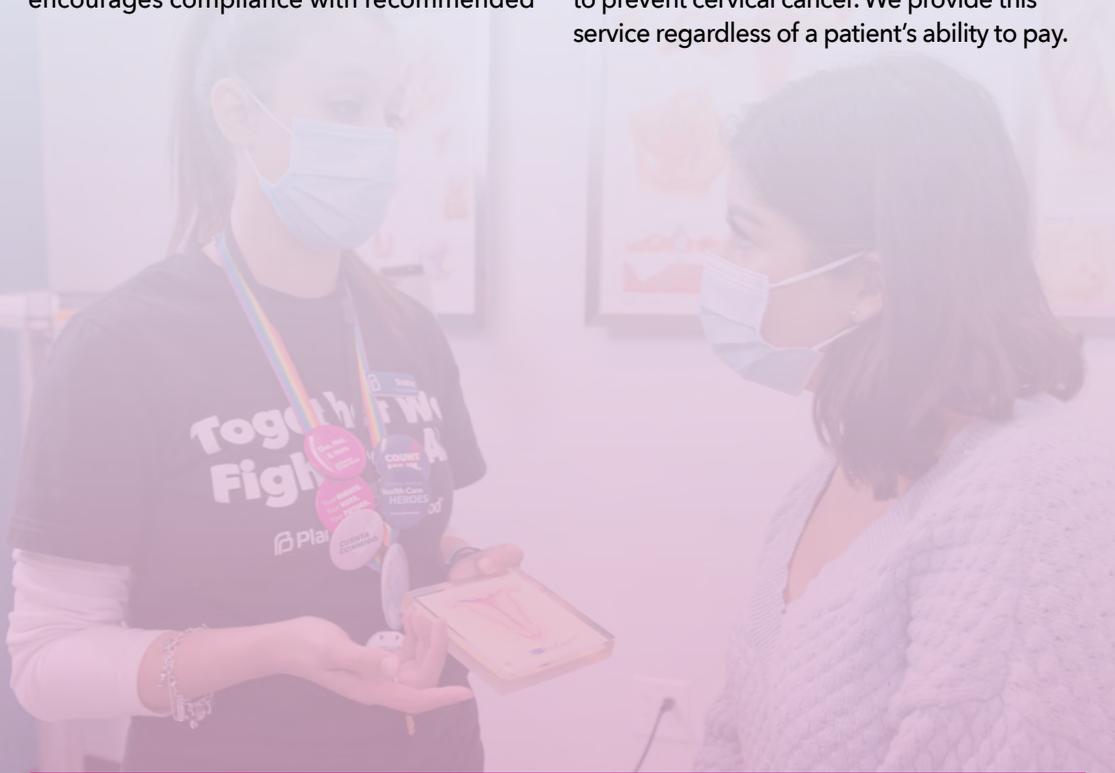
For example, if a patient visits us because of abnormal pain and bleeding, we can conduct an exam using a hysteroscope – a thin, lighted tube inserted into the vagina to examine the cervix and inside of the uterus – to diagnose and treat the problem.

Adding these services will allow patients to continue their care with PPST, which encourages compliance with recommended

treatment. Ultimately, that optimizes health outcomes.

In addition, patients will be able to take advantage of our sliding fee scale, made possible by donors like you. This makes the procedures much more affordable than care at a private physician's office.

This expansion complements the work we do under our Stop Cervical Cancer program. These services include diagnosis and removal of abnormal cervical cells using a loop electrosurgical excision procedure (LEEP). Early treatment of these cells is essential to prevent cervical cancer. We provide this service regardless of a patient's ability to pay.



# Looking forward: Voices from the community

Planned Parenthood South Texas knows that access to health care alone isn't enough for our patients and their families to create the lives they want. We partner with a number of community organizations who work to advance progressive causes that affect the lives of our patients. We asked them to reflect on the results of the 2020 election and what they expect for 2021. **Here are some of their responses.**

**Rev. Erika L. Forbes**  
*Outreach and Faith Coordinator*  
Texas Freedom Network  
tfn.org

For generations Black women have stood in the forefront of movement work, advancing the agenda of Black women, which advances the agenda of all women. Forty-five years before we were granted the right to vote, Black women were there leading, marching, and fighting, for the passage of the 19th Amendment, even though we didn't receive the same attainment of the right to vote as our white counterparts.



That said, I can thoughtfully welcome Joe Biden into the office of the 46th Presidency of the United States, and I am also taking note as Vice President Kamala Harris takes office; a multi-racial and Black identified woman in this role is a powerful, historic first. This year starts with looking forward to standing shoulder to shoulder with this Black woman at the right hand of the presidential seat. Harris' power and influence can be crucial in addressing critical issues impacting Black women.

It is worth noting that the efforts led by Black women in mobilizing and educating thousands of new voters nationwide played a pivotal role in the Biden/Harris victory.

I believe we will continue to rise up, relentlessly standing against anything that expresses itself as harm to Black and all women. I believe we will continue working to hold legislative officials accountable in supporting the reproductive justice agenda that foregrounds our movement work. We will continue to advocate for Black and all women as they choose to have safe births and live to raise their children. We will continue to respond to inappropriate and archaic laws that hamper women accessing the appropriate reproductive health care they need.

We will continue fighting for women because when women advance, the whole community advances. When a community advances there is a ripple out across the nation and into the global community. **It starts with us.**

**Greg Harman**  
*San Antonio Clean Energy  
Organizer*  
**Sierra Club, Lone Star Chapter**  
[sierraclub.org/texas](http://sierraclub.org/texas)

"The plane is no longer flying into the side of the mountain." That's how a colleague of mine described the recent election of Joe Biden. We're still flying dangerously low. The airbags are out. The situation is not good, to be clear. But there is time to clear the smoke from the cockpit and make one new attempt at a safe landing.

Whereas Trump had committed himself to unwinding every environmental health and safety safeguard in sight, some of Biden's first actions will involve rolling back the rollbacks, as it were. Is this progress? If the key elements of Biden's climate plan come into force, if more progressive voices in Congress push that plan even further, it could be.

Here in San Antonio we've been fighting to shut down our last coal plant by 2030. It's driven us to loggerheads with a resistant City-owned CPS Energy and Mayor Ron Nirenberg and required the launch of a people's petition to force that shutdown. While we could remove 8 million metric tons of climate pollution with a successful petition and May vote (nearly half of San Antonio's total emissions), the Biden plan is about scale: It promises to close all the coal plants in the United States just five years later. But a dedicated oil and gas lobby remains on Capitol Hill and around the country.



More significant than that are the tens of millions of Americans who not only refuse to accept century-old science explaining why dragging carbon out of the ground and burning it into the sky is a bad idea, but who could actually care less even if they did understand its full ramifications.

Working for climate justice means understanding and responding to the reality that those who are least responsible for the climate crisis suffer beyond their share. It means correcting the cruel reality that people of color in the so-called "Global South" are punished disproportionately by extreme storms, for example, compared to those of us in the more affluent nations.

So we didn't hit the mountain. That's a great thing. But I recall what a former Republican mayor in Texas turned anti-fracking activist once told me. He said he believed there was something particular to the conservative mind that required a personal negative impact—or negative impact to a close family member—to motivate political action against big employers like oil and gas.

Consider that this group is among those most insulated from the negative impacts of the climate crisis, it's no surprise this fight is running down to the wire. The only way we'll know if the election mattered will be found in how we spend the years we have been granted, still floating in the air, airbags dancing like skeletons.

**Sofia Sepulveda**  
*Community Organizer*  
Texas Organizing Project  
[organizetexas.org](http://organizetexas.org)

In recent months, we have seen the unrest of our communities due to police brutality. We've seen the death toll piling up because of a global pandemic. We've seen our teachers fighting tooth and nail to ensure they have protective equipment to safely teach our kids. We have seen nurses crying on live TV about not having masks or gloves.

Thankfully, we are happy about the outcome of the election: **NO MORE FEAR-MONGERING COMING FROM THE WHITE HOUSE.**

However, our job is merely starting. We have a new President who is still refusing to acknowledge the pain, suffering and oppression that black and brown communities suffer. Refusing to acknowledge police violence in the black community is a form of racism; insisting on giving more money to police rather than divert funding to education, healthcare and jobs in low-income black and brown communities should not be something we accept.

We need to stand up and fight back. Fight for issues that are important to our communities.

Although the new president has indicated that he will fight for the Affordable Care Act, we must insist on more. Medicare for All will ensure that folks who are facing the brunt of this pandemic, specifically black and brown folks, are able to afford COVID treatment

as well as other health care. It will allow immigrants to have access to essential healthcare.

We must fully fund abortion care, which is healthcare. This should also be a priority especially when states continuously are pushing for laws that eradicate funding to organizations such as Planned Parenthood, and education on abortion should be a key part of that funding.

We must immediately provide full citizenship and rights to all 11 million immigrants who, despite the misinformation of both parties, do pay taxes and contribute to our economy.

We must increase wages nationally to ensure no family goes without, and no one working 40 hours a week lives in poverty.

We need to ensure we have fair housing so our communities are not displaced or in fear of losing their homes or apartments because of a pandemic.

This does not happen and will not happen by sitting back and hoping the Democrats in charge will change the direction of this country. Frederick Douglas said it best: Power concedes nothing without a demand, it never did and it never will. The time of resisting is over. We must now demand.



## Joyce Hamilton

Member

Angry Tías and Abuelas of the Rio Grande Valley

[www.angrytiasandabuelas.com](http://www.angrytiasandabuelas.com)

After a long, challenging time, our nation begins the transition into power of President Joseph R. Biden and Vice President Kamala Harris, and we Tías and Abuelas are swimming in a sea of emotions:

Relief, that the administration that turned our immigration policies into an inhumane horror story for thousands of suffering asylum seekers at our southern border has been repudiated and replaced.

Anger and grief over the continued suffering and injustice of asylum-seekers, which we've observed first-hand for the past two and a half years.

Joy that Americans went to the polls and voted out a vile administration responsible for heartless, even lethal, decisions about the lives of immigrants and people of color throughout our nation.

And hope, as this new administration promises the end of the oddly-named Migrant Protection Protocols (MPP), also known as Remain in Mexico, and a reasoned and welcoming approach to immigration and asylum.

The Biden administration calls for welcoming asylum seekers and other immigrants, for keeping families together, and for opening opportunities to contribute to our communities. We intend to join with other immigrant-support organizations in holding this new administration to these bold new, humane policies.

Along with our friends in Matamoros and Reynosa, we are seeing light at the end of a very dark passage. May we be among the guides leading them to this light.



All views and opinions are those of the authors. Essays have been edited for length; please go to [ppsouthtexas.org/partners](http://ppsouthtexas.org/partners) to read them in full.

# Care, no matter where

Since PPST introduced telehealth services in August, we have seen more than 300 patients through virtual visits. Patients have accessed birth control, diagnosis and treatment for sexually transmitted infections and urinary tract infections, gender-affirming hormone therapy, and more.

But the digital and economic wall that exists along the U.S./Mexico border makes telehealth essentially impossible for many people who live in these communities. Poverty, limited data plans, daily fears of deportation, and an absence of personal tech savvy all conspire so that the most vulnerable and needy people do not benefit from the wave of telehealth that is sweeping the nation.

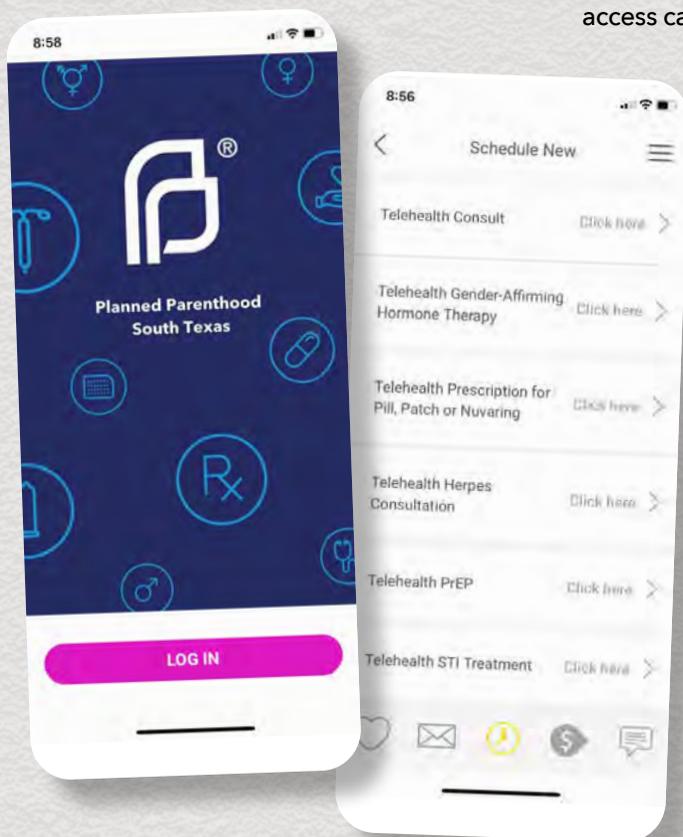
PPST is building a bridge over that wall through a promotora-assisted telehealth connection project. Promotoras with our *Habla Con Tu Hermana* (Talk to Your Sister) community education and patient navigation program are proactively reaching out to people in the community who need our health care. Then, armed with iPads and robust data plans, these community health workers are providing patients with one-on-one assistance before and during their telehealth visit.

"We work every day to find women in need of essential care and connect them to that care," said Paula Saldaña, lead patient navigator for *Habla Con Tu Hermana*. "Telehealth is another way for people to access care, and we will be there every step of the way to help them."

Promotoras will also guide eligible patients through our donor-supported sliding scale ensuring financial assistance to help cover the cost of their virtual visits.

The program, *¡Salud a tu alcance!* (Health at Your Fingertips), will allow us to increase access to health care for people regardless of their location.

We are working to prove this concept in the Rio Grande Valley. If successful, this may allow us to serve hundreds or thousands of additional patients in underserved, disadvantaged and





hard-to-reach populations in remote areas and small towns – people who otherwise will not come to our clinics and will not initiate telehealth on their own.

In a state as hostile to sexual and reproductive health care in general and Planned Parenthood in particular, we do not have government as a partner in our mission. Until that changes, it will not be financially feasible for us to establish brick-and-mortar health centers in small towns and rural areas while also providing financial



**“Telehealth is another way for people to access care, and we will be there every step of the way to help them.”**

*–Paula Saldaña, lead patient navigator for Habla Con Tu Hermana.*

assistance to patients who need help covering the cost of their care.

We believe promotora-assisted telehealth can expand service delivery in the most cost-efficient way, enabling us to survive and thrive in a red state while continuing to meet the needs of South Texans, wherever they are. The money we do not spend on opening new health centers can be used to employ promotoras and provide financial assistance to eligible patients who seek care from us via telehealth.

# 2021 Legislative Preview



Anti-abortion extremists in the Texas legislature have made their priorities for 2021 clear. Despite the myriad challenges facing the state – including the ongoing COVID-19 pandemic – their focus is on limiting reproductive rights.

The GOP-dominated Texas Legislature is known for passing some of the most restrictive abortion laws in the nation, and their agenda for the current session is more of the same.

While the U.S. Supreme Court struck down key provisions of one of the state's most egregious laws, HB 2, in 2016, a Trump-shaped Court appears much friendlier to such laws.

In a hearing in December, lawmakers promised to pass “a lot” of anti-abortion bills. At press time, five anti-choice bills have been filed. They include:

## **HB 69**

This bill would effectively ban abortions at 12 weeks of pregnancy, revising the current state law, which prohibits abortions after 20 weeks. The only exception is cases when the pregnant person is at risk of death or serious bodily harm.

## **HB 279**

Known as a “trigger ban,” this bill would criminalize abortion if *Roe v. Wade* were to be overturned by the Supreme Court.

## **HB 92**

This bill would create civil and criminal penalties for performing abortions.

As Texas begins the 87th Legislative Session, Planned Parenthood South Texas – along with our sister affiliates, Planned Parenthood Greater Texas and Planned Parenthood Gulf Coast – stand ready to fight back against any and all attacks against reproductive health care.



**Join us for an online conversation with Dyana Limon-Mercado, Executive Director at Planned Parenthood**

**Texas Votes**, who will share with us the latest developments at the “Lege” and what you can do to support Planned Parenthood’s public policy priorities.

**Thursday, February 25  
12 p.m.**

**Zoom - Register here:**  
<http://ppsouthtx.org/txlege>

# What is the future of the Affordable Care Act?



On November 10, in the midst of the Affordable Care Act Open Enrollment period (the 45-day window where millions of people can compare and sign up for coverage options), the U.S. Supreme Court heard oral arguments in *California v. Texas*, yet another challenge to the constitutionality of the ACA.

The case focuses on the individual mandate. In the 2017 tax cut bill, Congress zeroed out the penalty for failing to carry adequate coverage. Republican officials, led by Texas and supported by the Trump administration, sued, arguing the mandate was unconstitutional – and that, as a result, the entire ACA must fall.

*California v. Texas* threatens the entire ACA, including Marketplace and Medicaid coverage for 20 million people and all of the critical consumer protections the ACA has established, like protections for the millions of people living with pre-existing conditions.

Insurance coverage, or lack thereof, disproportionately impacts women of color and women with low incomes. Further, immigrants still face onerous barriers to signing up for coverage, and many don't have a path to coverage at all.

We also know COVID-19 disproportionately affects black and indigenous people of color (BIPOC).

**According to the CDC, Blacks, Latinos, and American Indians are 1.5 times more likely to get COVID-19 than non-Hispanic whites.** They also experience a hospitalization rate that's four times higher and a death rate that's more than double that of white people. The ACA ensures people who have gotten COVID-19 can't be denied coverage based on this preexisting condition, and this protection is more important now than ever as COVID-19 cases surge.

As of December 11, data from the federal Centers for Medicare and Medicaid Services showed enrollment up more than 20% in Texas compared to the same time in 2019.

But in the oral arguments, even conservative Justices pushed back on the argument that ending the individual mandate would necessarily invalidate the entire ACA. As a result, the news media reported that the majority of judges appeared in favor of upholding the ACA.

**The Supreme Court is expected to issue its decision in this case by June 2021.**

## WHAT TO WATCH FOR IN THE BIDEN ADMINISTRATION

- During his campaign, President Joe Biden pledged to repeal the Trump administration's Title X gag rule, which forbids health care providers that receive Title X federal family planning funds from telling patients how they can access abortion care. After the gag rule was introduced in 2018, Planned Parenthood South Texas lost more than \$800,000 in annual funding designed to serve patients with low incomes.
- Biden also pledged to strengthen the Affordable Care Act, including extending more generous subsidies to more people and supporting Medicaid expansion. The new administration could roll back regulations that the Trump administration issued to undermine the Affordable Care Act's contraception mandate, which guarantees no-copay birth control coverage in insurance plans.
- Biden could establish nationwide protections for abortion that would stand even if *Roe v. Wade* were overturned by the Supreme Court. In the event that there is a Supreme Court vacancy in the next four years, Biden can nominate a justice who would uphold the precedent of *Roe v. Wade*. The nominee would likely get confirmed now that Democrats control the Senate.
- Biden could work with Congress to end the Hyde Amendment, a federal restriction that blocks the use of federal health-coverage programs to pay for abortion.



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