



12/19/18

### **ACA Court Ruling Update**

On Friday, Dec. 14, a federal judge in Texas ruled the Affordable Care Act unconstitutional in a lawsuit that had been brought by several state attorneys general. The ruling in *Texas v. United States* stated that because Congress repealed the penalty associated with the individual mandate, the entire law should be invalid. The ruling did not *immediately* invalidate the law and the appeals process is expected to be set in motion shortly. In the meantime, this means that **the law stands** as is. AMCHP will, however, continue to monitor progress of this case through the appeals process – potentially up through the Supreme Court – and keep you apprised. In the meantime, you may be interested to revisit our several [AMCHP resources](#) related to the ACA and MCH.

### **Dwindling Threat of Partial Government Shutdown**

We were relieved in September when Congress was able to approve full funding for agencies that fall under the jurisdiction of the Labor, Health and Human Services, and Education appropriations bill, meaning that that HRSA and CDC could continue to operate as normal. However, you are likely aware, that funding for several other agencies is set to expire on Dec. 21 unless Congress and the president act as soon as possible. While the chances of a shutdown have dwindled, we wanted to mention that some key health programs *would* be affected unless Congress and the president act this week. A contingency plan for programs that fall under the Department of Health and Human Services that would be subject to a shutdown (such as FDA and the Indian Health Service) has been [posted here](#).

WIC is perhaps the other most relevant program for our members that might be affected in the event of a shutdown as it is housed within the Department of Agriculture, which is among the agencies whose funding could lapse.

Per a message from our friends at the National WIC Association:

- *The biggest threat to WIC in a shutdown is **inaccurate & misleading messaging about WIC being closed**. In actuality, we anticipate that all WIC clinics will remain open in the event of a short-term shutdown. In past instances of shutdowns, caseload went down – with lingering effects after the shutdown ended – due to confusion & misinformation.*
- *State WIC agencies, in general, currently have enough funds to stay open for about a minimum of two weeks (with some states in a place to stay open for upwards of a month). In the last major shutdown, which lasted 16 days, two states ran out of funds. However, the amount of funds on hand for a given state at a given time can vary significantly (unrelated to the caseload of the state), so we cannot assume that what happened last time will happen this time.*

If you have any further questions, please do not hesitate to contact Amy Haddad, Director of Policy & Government Affairs [ahaddad@amchp.org](mailto:ahaddad@amchp.org).