

AGN. NO. \_\_\_\_\_

MOTION BY SUPERVISOR HILDA L. SOLIS

January 13, 2026

**Preserving the Integrity of and Access to the Affordable Care Act**

Public healthcare systems and hospitals provide crucial services across the nation, serving as safety-net providers that do not turn patients away, regardless of their ability to pay. However, public healthcare systems are facing unprecedented hurdles in their ability to deliver care. Across the country, safety-net hospitals experience several challenges due to rising costs, increasing demand for health care, severe staffing shortages, and insufficient revenue. These challenges have led to hospital closures, which have, in turn, resulted in the remaining facilities covering the spillover, thereby causing those facilities to incur additional, uncompensated costs, overcrowding, longer patient wait times, and strained resources.

The U.S. Department of Health and Human Services (HHS) and Centers for Medicare and Medicaid (CMS) recently published a final rule (Final Rule) entitled "Patient Protection and Affordable Care Act; Marketplace Integrity and Affordability," with sweeping regulatory changes, purportedly pursuant to the Affordable Care Act (ACA), affecting healthcare insurance eligibility and enrollment. The Final Rule will undoubtedly further will further create barriers to accessing health coverage through the ACA and negatively impact the already strained public healthcare systems.

**MOTION**

Mitchell \_\_\_\_\_

Horvath \_\_\_\_\_

Hahn \_\_\_\_\_

Barger \_\_\_\_\_

Solis \_\_\_\_\_

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The ACA was enacted in 2010 and fully implemented in 2014, with the goal of increasing the number of Americans covered by health insurance, while decreasing the cost of health care. Through its establishment of health insurance exchanges, where individuals can easily identify and enroll in affordable insurance plans that meet their needs, and through its guarantee that individuals cannot be denied coverage due to pre-existing health conditions or their history of insurance coverage, the rate of individuals with health insurance increased. In fact, due to the ACA, the uninsured rate fell to a record low of 7.7% by 2023. The ACA enabled millions of Americans to gain access to affordable, comprehensive health care for the first time. The ACA drastically improved people's ability to acquire health care, and this in turn also drove a steep decline in unpaid hospital bills and hospitals' uncompensated care costs.

However, the Final Rule published by HHS and CMS will have effects directly contrary to the landmark ACA legislation. While claiming to strengthen the integrity of the ACA eligibility and enrollment systems and to provide relief from improper enrollment and health care costs, the Final Rule shortens the open-enrollment period, imposes additional fees, imposes new eligibility verification requirements on individuals seeking to purchase insurance, makes it more difficult for individuals to verify their household income for the purposes of obtaining subsidies, and allows insurers to deny coverage to individuals with past-due premiums. Unfortunately, this also excludes Deferred Action for Childhood Arrivals (DACA) recipients from the definition of "lawfully present", thus removing their ability to access health coverage through the ACA. The

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wide range of changes set forth by the Final Rule undermines ACA's purpose by reducing insurance affordability and benefits, creating administrative burdens that make it harder for individuals to enroll in and maintain insurance coverage, and narrowing eligibility for coverage across the board. It is projected that the Final Rule will cause up to two million Americans to lose coverage on the ACA's health insurance exchanges. The expected increase in the uninsured population will necessitate public healthcare systems to step in to provide care to more patients with an inability to pay, thereby placing an immense additional burden on public healthcare systems and the County's social safety net.

The County of Santa Clara and the City of New York, plan to file an amicus curiae (friend of the court) brief to oppose certain provisions of the Final Rule in a case pending before the U.S. District Court for the District of Maryland. The case, *Columbus v. Kennedy*, brought by the City of Columbus, the City of Chicago, the Mayor and City Council of Baltimore, and two organizational plaintiffs, challenges provisions of the Final Rule that create significant obstacles to patient enrollment in health insurance as unlawful under the Administrative Procedure Act and seeks a permanent injunction to prevent enforcement of those provisions. The amicus brief addresses the strain the Final Rule will place on safety-net health care providers by drastically increasing the number of uninsured patients and the resulting harm to community health across the nation

**I, THEREFORE, MOVE** that the Board of Supervisors direct County Counsel to

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join the local governments' amicus curiae brief in the District of Maryland case *Columbus v. Kennedy*, seeking to invalidate provisions in the Final Rule that will cause many Americans to lose health insurance coverage and, in turn, cause an immense strain on community resources.

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HLS:ac:jgd