



# KNOW YOUR ATTORNEY GENERAL

A Guide to Health Care Advocacy in the Affordable Care Act Lawsuit Era

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# INTRODUCTION



State Attorneys General (AGs) are critical health care stakeholders. They wield significant influence over state and national policy development as legal representatives for government agencies and as consumer advocates. Identifying your state AG's stance on the Affordable Care Act (ACA), Medicaid, and health care access more broadly is an important step in advancing your health care consumer advocacy work.

While governors and state legislators are typically the advocacy targets for organizations looking to change or improve health care laws, AGs can be powerful advocates for or opponents of the public interest. For example, a mere seven minutes after the ACA was signed into law in 2010, [13 AGs, led by Florida AG Bill McCollum, filed a lawsuit in federal court](#) to eliminate the law's individual mandate provision. Though they were ultimately unsuccessful, their efforts to sabotage the ACA in the courts have been replicated many times in years since, and have ensured a constant drum beat of threats against health care access for millions of people across the country. One such threat emerged in 2018 when a group of 18 Republican AGs filed yet another lawsuit in federal court seeking to dismantle the ACA. This time they were challenged by [17 Democratic AGs, led by California AG Xavier Becerra, who stepped in to defend it](#). Increasingly, building relationships with AGs can go a long way to ensuring they have the tools to defend health care laws for residents in your state and/or in helping to hold them accountable for their positions on a variety of health care issues.

This guide provides information about the role AGs play in policy making and tips for advocates urging their AG to take action to protect and defend quality, affordable care.

## FIND YOUR ATTORNEY GENERAL

## ATTORNEYS GENERAL AS HEALTH CARE ADVOCATES

State AGs have tremendous authority to advocate for or against health care policies, both in court rooms and in courts of public opinion. They frequently file lawsuits against the federal government, defend lawsuits against the state, and use their substantial social and media platforms to espouse their views.

In 2019, New York AG Letitia James announced she would be leading a coalition of 12 AGs from across the country to protect Americans by suing the Trump administration over its attempt to dismantle the ACA and implement a ["health care refusal" rule](#), which would allow outright discrimination and even the denial of care for many people including women and LGBTQIA+ patients. "We are doing everything in our power to defend [the ACA] and the many protections it provides to Americans throughout the nation," said James.

Following the filing of the Health Care Repeal Lawsuit (Texas vs. United States), [Republican AGs](#) from Ohio and Montana submitted briefs to protect portions of the Medicaid program and uphold the ACA. In a [2019 USA Today op-ed](#) responding to Court's finding in the same case that the entire ACA is unconstitutional, Ohio AG Dave Yost wrote, "the decision not only puts at risk the health insurance coverage of millions of Americans, it underlines the dangers of judicial overreach."

# RELATIONSHIP BUILDING STRATEGIES



Building strong relationships with your AG can support access to care, expand health care coverage, and/or be a critical step in shifting their public stance on health care programs including the ACA and Medicaid. When a majority of people in your state are demanding protection for pre-existing conditions and affordable care, it is both well within their professional purview as overseers of consumer protections and in their own best interests as elected officials to take action.

## 1 Identify your AG.

Who is your state AG? What stance do they take on the ACA and health care access more broadly? Asking these key questions can help you understand what advocacy strategies to employ in your work and where there may already be common ground.

## 2 Engage your AG.

Set up a virtual meeting between your AG and a constituent directly affected by the ACA, Medicaid, or lack of health care coverage. This can serve as a public education meeting or be in concert with a request that the AG take legal action. In the latter case, the enforcement of laws that benefit consumers often requires a test case or cases. Specific instances of real individuals who are harmed by the legal wrong the AG's office is seeking to address are required in order for the AG to file suit.

## 3 Provide hard facts and data.

Both during and after your in-person meeting, provide your AG and their staff with clear examples of the impact of the ACA and Medicaid expansion. If your organization has regional or county-by-county data illustrating the scope of these impacts, make sure to provide it. AGs and their staff take dozens of meetings each week, so stand out by following up with their office and providing periodic updates about the data or how your work can help your AG become or continue to be a champion for health care access.

## 4 Thank your champions.

If your AG supports and publicly advocates for health care, find ways to thank them for championing the needs of state residents who benefit from the ACA and Medicaid.

- Feature them in your press conferences;
- Shout out their work on social media;
- Where you can, highlight the work they have done to benefit consumers and frame improving health care access as an opportunity to continue advancing consumer protections; and/or
- Invite them to speak at public forums and events focused on health care consumer stories. As high profile elected officials, their presence will help attract positive press coverage of the event, which helps both your organization and the AG.

## 5 Hold your AG accountable.

If they are not (yet) allies educate them about the many positive impacts the ACA and Medicaid have had for individuals and families in your state.

- Send emails or postcards to AGs from constituents or have constituents call their AG's office personally. You would be surprised at how few calls AG offices typically receive. Just a few calls about the same topic could make a huge impact.
- Write op-eds, letters to the editor, or guest columns. Public news outlets are great ways to openly communicate with your AG. Use these forums to demand support for health care, including the ACA and Medicaid or increasing coverage, if you are in a non-expansion state. Challenge your AG to take action to protect health care consumers in your state.
- Organize social media actions to engage with your AG. Social media is a powerful tool that can widely and publicly demonstrate your AG's stance on health care access and pull in other public officials who are already championing care. It is a great way to keep AGs accountable for their actions against consumers or inaction in defense of consumers. Craft customized tweets that connect your state's health needs with the ACA and share sample tweets with your grassroots lists or coalition partners to expand engagement and support any digital call to action.

# CONCLUSION



No matter how you choose to engage with your AG on health care, building a relationship with their office that positions you as a resource can have huge benefits in the long term. If, despite outreach and education, your AG chooses not to engage as a health care champion, you have tools available to call on them to change their position, to hold them accountable, or even to challenge their office in the future. With time and attention, your relationship with your AG can be the key we need to continue to make progress on health care coverage and access both in your state and across the country.

## QUICK LINKS:

- » [Click here to find your Attorney General](#)
- » [List of State Attorneys General on Twitter, curated by NBC producer J.R. Reed](#)