

# United States Senate

WASHINGTON, DC 20510

February 3, 2017

The Honorable Donald J. Trump  
President of the United States of America  
The White House  
1600 Pennsylvania Ave, NW  
Washington, DC 20500

Dear President Trump:

We write with serious concern that your work advancing efforts to repeal the Affordable Care Act (ACA) with no clear plan for replacement will substantially worsen the opioid epidemic, endangering the lives of millions of Americans with opioid use disorders. Last year, Congress took important steps to address this national public health crisis, enacting not one, but two bipartisan laws to address the opioid epidemic and reform the way our health system treats mental health and substance use disorders. However, repealing the ACA with no clear plan for a replacement, you risk both undermining all of that progress and setting our communities fighting the opioid epidemic farther back with the stroke of a pen.

The Comprehensive Addiction and Recovery Act (P.L.114-198) authorized programs to improve access to substance use disorder prevention, treatment, and recovery services. It promoted the use of best practices when prescribing opioid pain-killers, strengthening state prescription drug monitoring programs, and expanding access to the life-saving drug naloxone. Importantly, the legislation also allowed nurse practitioners and physician assistants to begin prescribing the drug buprenorphine to treat addiction.

The 21<sup>st</sup> Century Cures Act (P.L.114-255) also included critical mental health and substance use disorder reforms, establishing an Assistant Secretary for Mental Health and Substance Use, strengthening enforcement of mental health parity laws, promoting the integration of physical and mental health care, and promoting an expanded mental health workforce.

Most importantly, the 21<sup>st</sup> Century Cures Act dedicated \$1 billion in new funding over two years to assist states in combatting the opioid epidemic. Already, states are actively working on applying for this new grant funding, which will be essential to helping states provide prevention, treatment, and recovery services to patients, especially those who have trouble affording them and those living in rural areas and on tribal lands.

These bipartisan advances and accomplishments will be fundamentally undermined by repeal of the Affordable Care Act, which critically strengthened the health care foundation on which these recent measures are built. What is more, your ACA repeal agenda stands in direct conflict with your public commitment to end the opioid epidemic in America<sup>1</sup>. In a recent article, two former Assistant Secretaries for Planning and Evaluation noted that, “repealing the mental health and substance use disorder coverage provisions of the ACA would withdraw at least \$5.5 billion annually from the treatment of low income people with mental and substance use disorders.” A funding cut that is more than ten times greater than the funding increase included in the 21<sup>st</sup> Century Cures Act.

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<sup>1</sup> Donald Trump, remarks as prepared for delivery, “Donald Trump Outlines Plan to End the Opioid Epidemic in America,” October 15, 2016; <https://www.donaldjtrump.com/press-releases/donald-j.-trump-remarks-in-portsmouth-nh>

To make matters worse, repealing the ACA would mean that more than 1.2 million people with serious mental illness and 2.2 million people with substance use disorders will lose some or all of their coverage. In the states with the highest opioid overdose death rates, the uninsured rate would triple<sup>2</sup>. Repeal would also hurt providers by increasing uncompensated care. Further, since passage of the ACA, the number of hospitalizations for substance use or mental illness in which the patient was uninsured dropped from 22 percent to 14 percent<sup>3</sup>. We would be likely to see these numbers skyrocket after ripping coverage away from millions of Americans, forcing them back into the emergency room when they have nowhere else to go.

Repealing the ACA will undo critical consumer protections for tens of millions of Americans and rob more than 9 million families of the tax assistance provided under the law to make their coverage affordable. Furthermore, it will roll back the same mental health and substance use disorder parity protections that were strengthened under the 21<sup>st</sup> Century Cures Act, and eliminate the mandatory coverage of treatment for these conditions as an essential health benefit. In addition, repealing the ACA will make it even more difficult to diagnose mental illness and substance use disorders by removing the requirement that preventive services like depression and addiction screenings are provided to patients for free at the point of service.

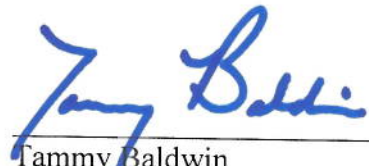
The ACA's investments in substance use disorders, while critical to addressing the immediate needs of the opioid epidemic, are essential to continue fighting all types of addiction. In addition to hurting millions of Americans struggling with addiction, cutting funding for substance use disorder prevention, treatment, and recovery services could significantly increase costs to our health care system and taxpayers in the long-run. According to the National Institute on Drug Abuse, illicit drugs such as cocaine and methamphetamines already cost our health care system \$11 billion annually.

The consequences of repealing the Affordable Care Act are dire for all Americans, but they are especially calamitous for Americans living with a mental illness, a substance use disorder, or both. Repealing this law will cut billions of dollars in funding, kick tens of millions of Americans off of their health insurance, and saddle providers with hundreds of millions of dollars more in uncompensated care. We strongly urge you to uphold your pledge to end the opioid epidemic in America by working to strengthen substance abuse treatment protections and taking no further action to repeal the Affordable Care Act without guaranteeing that such actions and policies will not harm Americans with mental illnesses or substance use disorders.

Sincerely,

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Sherrod Brown  
United States Senator



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Tammy Baldwin  
United States Senator

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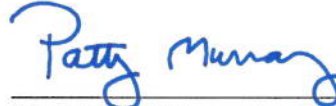
<sup>2</sup> Frank, Glied: "Keep Obamacare to keep progress on treating opioid disorders and mental illnesses;" January 11, 2017: Richard G. Frank, Ph.D., Harvard Medical School & Sherry Glied, Ph.D., Wagner School of Public Service, New York University: <https://www.hcp.med.harvard.edu/sites/default/files/Key%20state%20SMI-OD%20v3.pdf>

<sup>3</sup> Assistance Secretary for Planning and Evaluation, "Continuing the Progress on the Opioid Epidemic: The Role of the Affordable Care Act," January 11, 2017: <https://aspe.hhs.gov/sites/default/files/pdf/255456/ACAOpioioid.pdf>





Jeanne Shaheen  
United States Senator



Patty Murray  
United States Senator



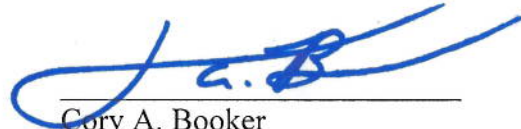
Thomas R. Carper  
United States Senator



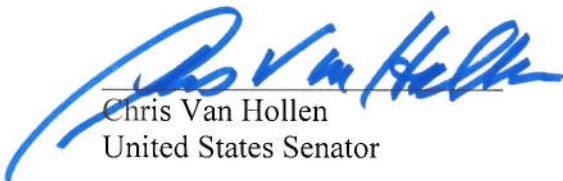
Richard Blumenthal  
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Kirsten Gillibrand  
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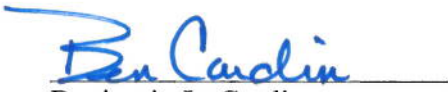
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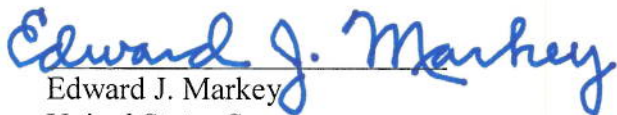
Sheldon Whitehouse  
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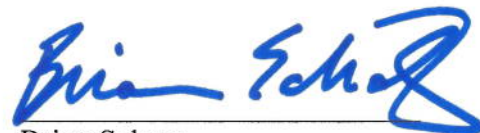
Benjamin L. Cardin  
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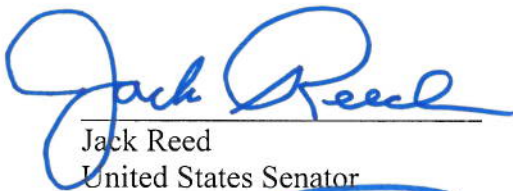
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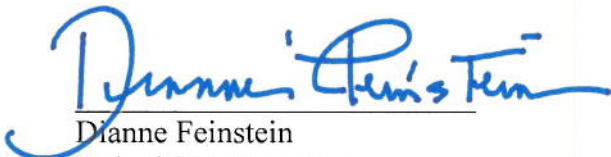
Margaret Wood Hassan  
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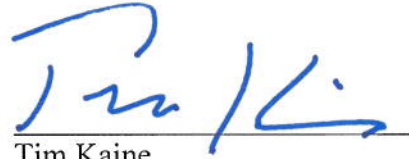
Al Franken  
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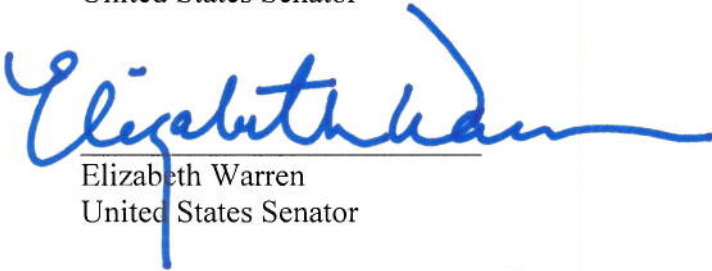
Amy Klobuchar  
United States Senator



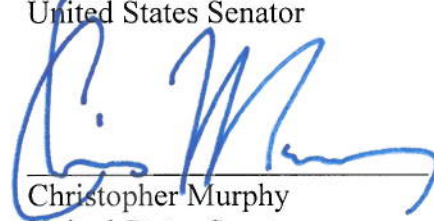
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Tim Kaine  
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Elizabeth Warren  
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Christopher Murphy  
United States Senator



Gary C. Peters  
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