



Efforts to Halt Health Reform: Playing Politics with Our Health

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Those opposed to the successful implementation of our new health reform law are urging state legislators and other elected officials to introduce and pass state bills that would prohibit important federal health reform measures from helping individuals, families, and small businesses.

Their political ploy hurts middle Americans. Reforms in the law, such as requiring insurance companies to cover people with pre-existing conditions, making it illegal to drop coverage for people who get sick, and providing tax credits to small businesses to help them provide coverage to their employees, are being placed in jeopardy.

Those who are pushing these anti-reform bills are simply playing politics with our health. Their game plan is a last-ditch attempt to undo the health reform law by attacking—and labeling as unconstitutional—specific provisions, such as the requirement that all individuals who can afford insurance play fair and get covered. This requirement is an essential foundation for new rules that forbid insurers to deny coverage to people with pre-existing conditions or to sell policies that exclude people's most important health problems. Such consumer protections can only be successfully enacted if everyone does his or her fair share to get covered. This is important so that not just old and sick, but also young and healthy, people are buying insurance, balancing out costs and keeping them under control for everyone.

Here's the real truth about the anti-reform efforts:

- **Anti-reform bills are a political ploy.**

Proponents of the anti-reform bills are simply trying to put on a show and create a distraction from getting real health reform done. They argue that parts of health reform—especially the individual responsibility requirements—are unconstitutional, but leading constitutional scholars throughout the country have already refuted these claims.¹ In fact, many proponents of the anti-reform bills actually supported individual requirements until recently as a way to increase “personal responsibility” in our health care system.² Enough game playing. American families and small businesses are hurting and are in need of the reforms that bring stability, security, and affordability to their health care.

- **Anti-reform bills miss the point.**

Anti-reform bills do nothing to address or solve the problems in our health care system. They don't make health coverage secure, accessible, or affordable; nor do they hold insurers accountable to policyholders or hold down costs. The people behind these bills want to protect the interests of large insurance companies by maintaining the status quo, which can't be done. Without reform, the status quo would deteriorate further in the coming years as insurers continued to hike premiums and more employers and families were forced to drop coverage. Anti-reform bills put political positioning above the needs of the people.

- **The individual responsibility requirements in health reform are both fair and essential.**

Under federal health reform, subsidies will be available to help, but people who still can't afford to buy insurance will not be forced to do so. Health reform simply levels the playing field by saying that if you can afford to buy insurance, you should do so. This is critical for minimizing the "hidden tax" that insured people pay for care for the uninsured through higher insurance premiums and hospital bills. The individual responsibility requirements are also essential to broadening insurance pools so that more young and healthy people are included. Only with a broad insurance pool can consumer protections to stop discrimination based on pre-existing conditions take effect without destabilizing the market and driving up costs.

- **Under health reform, you can choose what works for you.**

Under health reform, people who have coverage they like can keep it, whether it's through their employers or through another source. People who don't currently have coverage will have a wide array of private plans to choose from, just as they do now, and no one will be forced to purchase any particular insurance plan. The difference is that, under health reform, those plans will be subject to rules about pre-existing conditions, spending premium dollars on actually delivering care, and keeping rate increases fair so that plans are affordable for the people who need them.

- **America's families need real health reform now.**

The historic health reform law will make coverage more affordable and accessible for Americans who don't have it now and will improve the quality and cost of coverage for those who are currently insured. Under health reform, families will finally have health coverage security and the peace of mind that comes from knowing that when they need their health insurance, it will be there for them—in every life situation.

¹ Edwin Chemerinsky, "Health Reform Is Constitutional," *Politico*, October 23, 2009, available online at: <http://www.politico.com/news/stories/1009/28620.html> (Edwin Chemerinsky is a constitutional scholar and founding dean of the University of California, Irvine Law School); Mike Dorf, "State Anti-Mandates," *Dorf on Law*, February 2, 2010, available online at <http://www.dorfonlaw.org/2010/02/state-anti-mandates.html> (Mike Dorf is a professor of law at Cornell University); Stuart Taylor, "Is a Health Care Mandate Constitutional?" *National Journal*, December 12, 2009, available online at http://www.nationaljournal.com/njmagazine/or_20091212_6842.php (Stuart Taylor is a legal scholar and Brookings Institution Fellow); Jack Balkin, "The Constitutionality of the Individual Mandate for Health Insurance," *New England Journal of Medicine* 362, no. 6 (February 11, 2010): 482-483 (Jack Balkin is a constitutional law scholar who is a professor at Yale Law School); Akhil Reed Amar, "Constitutional Objections to Obamacare Don't Hold Up," *LA Times*, January 20, 2010, available online at <http://articles.latimes.com/2010/jan/20/opinion/la-oe-amar20-2010jan20> (Akhil Reed Amar is a professor at Yale Law School); Mark Hall, *The Constitutionality of Mandates to Purchase Health Insurance* (Washington: Georgetown University O'Neill Institute for National and Global Health Law, 2009), available online at http://www.law.georgetown.edu/oneillinstitute/national-health-law/legal-solutions-in-health-reform/Individual_Mandates.html (Mark Hall is a professor of law and medicine at Wake Forest University).

² Julie Rovner, "Republicans Spurn Once Favored Health Care Mandate" *NPR*, February 15, 2010, available online at <http://www.npr.org/templates/story/story.php?storyId=123670612>.

