

Recent health-care law ruling does not settle individual mandate issue, says public health expert

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(PhysOrg.com) -- The ruling by Judge Henry E. Hudson of the Federal District Court in Richmond, Va., finding the individual mandate provision of the new health-care law unconstitutional is an important ruling, but it does not settle the question, says Timothy D. McBride, PhD, health economist and associate dean for public health at the Brown School at Washington University in St. Louis.

“This is the third decision so far on this issue, and the two other judges have not ruled the mandate unconstitutional,” he says. “Therefore, the courts have a mixed opinion on this question, and this likely will not get settled until it gets to the Supreme Court.

McBride says that the individual mandate, while just a small piece of the health-reform structure, is very important to making all of the parts of health reform work.

“It is more or less like pulling on the thread of a garment, and having the whole garment come apart if this disappears,” he says.

“The individual mandate is crucial to making the insurance markets work properly, and it was crucial to achieving the political consensus needed to get the legislation passed,” McBride says.

“In particular, insurance companies need to know that everyone will be

required to purchase insurance so that the insurance pools are large enough to cover those with pre-existing conditions who will be required to be covered under the legislation, without penalty for their health conditions.”

McBride says that in many ways it is ironic that conservatives are attacking this provision, because, in fact, it was the conservatives who came up with and championed the idea of the individual mandate in the first place.

“They saw the individual mandate as a provision to require individuals to fulfill their individual responsibility to pay for health care they might receive anyway if they got sick, and not be free riders on others who pay for insurance or pay taxes,” he says.

Provided by Washington University School of Medicine in St. Louis

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