

Fate of 'uninsurables' hinges on Supreme Court

May 17 2012, By RICARDO ALONSO-ZALDIVAR , Associated Press



In this photo Taken, Monday, May 14, 2012, Kathy Watson, a cancer patient who also runs a medical transport company, waits for calls to pick up patients outside a hospital, in Lake City, Fla. Watson voted Republican in 2008 and believes the government has no right telling Americans to get health insurance. Nonetheless, she says she'd be dead if it weren't for President Barack Obama's health care law. (AP Photo/David Goldman)

(AP) -- Cancer patient Kathy Watson voted Republican in 2008 and believes the government has no right telling Americans to get health insurance. Nonetheless, she says she'd be dead if it weren't for President Barack Obama's health care law.

Now the Florida small businesswoman is worried the Supreme Court will strike down her lifeline. Under the law, Watson and nearly 62,000 other "uninsurable" patients are getting coverage through a little-known

program for people who have been turned away by insurance companies because of pre-existing medical conditions.

"Without it, I would have been dead on March 2," Watson said of the Pre-Existing Condition Insurance Plan, known as PCIP. That's when she was hospitalized for a life-threatening respiratory infection.

It's not clear how the Supreme Court will rule on Obama's law, but Watson's case illustrates the potential impact of tying everything in the far-reaching legislation to the fate of one provision, the unprecedented requirement that most Americans carry health insurance.

The law's opponents say if that insurance mandate is found to be unconstitutional, the rest of the law should also go, since courts should not be picking and choosing policy. The administration defends the insurance requirement but says if the court decides to overturn it, most of the rest of the law should stay.

State officials who administer the federal pre-existing condition plan in 27 states are trying to make fallback arrangements in case the law is invalidated and coverage suddenly terminates.

"Some of these individuals are critically ill and are being treated for very serious illnesses, whether it be cancer or HIV-AIDS, and we feel a responsibility to them to do what we can to see they don't lose access," said Amie Goldman, who oversees PCIP in Wisconsin.

Federal officials who administer the plan in the remaining 23 states and Washington, D.C., remain mum on what might happen there if the law is overturned.

The White House line is that Obama is confident the Supreme Court will uphold the Affordable Care Act, and his administration therefore is

making no contingency plans for a reversal. None of that sounds reassuring to Watson, who owns a medical transport service in rural north-central Florida.

"It's scary," she said. "They need to look at this carefully because it is going to affect a lot of people with a lot of bad conditions who are not going to have any health care coverage."

Before PCIP, Watson had been uninsured since 2003, originally turned down because of elevated white blood cells. About three years ago, she was diagnosed with a chronic form of non-Hodgkin's lymphoma, a cancer of the immune system. Unable to afford medications, she relied on the emergency room to treat flare-ups.

She tried applying to a major insurance company for a small business plan for her and her employees, and was quickly rejected. Then she heard about PCIP.

The temporary program is meant to serve as a patch until 2014, when the federal health care law will require insurers to accept all applicants, including cancer patients like Watson, regardless of medical history. The law's controversial mandate for individuals to carry health insurance is related to that guaranteed acceptance provision. By forcing healthy people to buy insurance, it would help keep premiums in check.

Initially, Watson could not afford the \$800 monthly premium the government was asking for PCIP. High premiums are part of the reason the program has not attracted more people.

But officials retooled to make coverage more affordable. Watson applied again and was accepted. She met the basic requirements: uninsured at least six months, turned away because of pre-existing conditions, having U.S. citizenship or legal residence. Her premium is

\$363.

In March, Watson went to the emergency room with what she thought was pneumonia. She was admitted, and quarantined the next morning when tests showed she had an antibiotic-resistant bacterial infection, highly dangerous. She spent five days in intensive care.

Without her PCIP coverage, Watson is convinced she would have been sent home from the emergency room after initial treatment to ease her shortness of breath.

"I'm not a candidate for any for type of indigent program, and without insurance they would not have put me in ICU," she said.

"I would have gone into cardiac arrest and probably died," she added. Emergency rooms must treat the uninsured, "but they are only required to get you stable. And then they release you and tell you to go to the health department."

A government report this year found that people in the pre-existing condition plan tended to be middle-aged patients with no access to employer coverage and with medical conditions that require continuous care. The top five diagnoses: cancer, heart disease, degenerative bone diseases, organ failure requiring a transplant and hemophilia.

If the federal law is struck down, some state officials are considering taking the patients into their own, separate, state high-risk insurance pools. Wisconsin, for example, has decided that PCIP enrollees would be automatically accepted into its pool. But not all states have them. In the 35 that do, premiums would generally be higher, and there might be waiting periods.

Republicans, including presidential candidate Mitt Romney, have long

avored insurance pools for high-risk patients. And Congress could take emergency action to keep PCIP going. But no assurances have been offered. Michael Steel, a spokesman for House Speaker John Boehner, says Republicans are ready to work on "step-by-step, commonsense" approaches.

Watson says she still disagrees with Obama's requirement that individuals have health insurance, either through an employer, a government program or by purchasing their own plan. "I approve of some of it," she said of the law, "I don't approve of the mandatory ... insurance."

But she doesn't want to go back to depending on the emergency room.

"I have no problem paying my insurance and paying my copays," she said. "I just think I should have the right to purchase insurance."

More information: Pre-Existing Condition Insurance Plan:
<https://www.pcip.gov/>

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Citation: Fate of 'uninsurables' hinges on Supreme Court (2012, May 17) retrieved 27 April 2024 from <https://medicalxpress.com/news/2012-05-fate-frail-patients-hinges-supreme.html>

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