

# Obamacare future hangs in balance at US Supreme Court

March 3 2015

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The US Supreme Court faces a momentous case Wednesday on the sweeping health insurance reform law that President Barack Obama wants to leave as part of his legacy.

The stakes are high. In this extremely politicized debate, the highest court in the land could strike down one of the pillars of so-called Obamacare, which could doom the law as a whole.

Obama's Republican foes are seeking to repeal the law both through Congress and in the courts.

The fight could be a long one.

"Don't think it's the end of the trilogy. We will be seeing ACA cases in front of the Supreme Court for decades," said Jonathan Adler of the Case Western Reserve University School of Law.

In June 2012, Chief Justice John Roberts, seen as conservative, helped save the law by voting alongside the four progressive justices.

Obama's foes won a battle in June 2014, when the high court ruled that employers did not have to pay for contraception for employees if this ran against their own religious convictions.

As in 2012, this time the nine justices hold in their hands the future of the law that has seen more than 10 million Americans gain [health](#)

[coverage](#).

The question before the court is whether the seven million people or more who subscribed via the government's website can obtain tax subsidies that make the coverage affordable. A ruling is expected in June.

"This time, they're addressing a narrow question of statutory interpretation, not the constitutionality of the entire act," Elizabeth Wydra of the Constitutional Accountability Center wrote in a Washington Post editorial.

"However... a ruling against the tax credits would devastate the law so completely that it would have an effect similar to a ruling striking down the law."

## **'Death spiral'**

The reform, passed in 2010, has three main tenets: affordable insurance for all Americans, insurance required for all or face fines, aid for the poor to obtain insurance.

Since the law came into force in January 2014, Americans can obtain insurance through their home state or the federal Department of Health and Human Services, which set up the [healthcare.gov](http://healthcare.gov) website.

But out of the 50 US states, 34—most of them under Republican majority—have refused to opt into the [health insurance](#) exchange that provides a set of plans from which individuals may choose and are eligible for federal subsidies.

"Without subsidies, millions won't be able to afford the high-priced premiums of Obamacare, and people will simply choose not to enroll in

the system," said the Citizens' Council for Health Freedom.

"This will lead to a death spiral, where premiums continue to rise higher and higher as not enough young, healthy Americans will buy expensive coverage to support the older, sicker Americans in Obamacare."

The Obama administration plans to defend what it calls "the only reading (of the law that would allow the federally facilitated exchange to run just like a state-run exchange."

By passing the [law](#), "Congress unambiguously expressed intent... (for) tax credits to apply in every state," said a brief by Secretary of Health and Human Services Sylvia Burwell.

She warned that a narrow reading of the text "would have disastrous consequences for the insurance markets in the affected states."

Steven Schwinn of the John Marshall Law School warned said that "the real purpose of the case is to dismantle" Obamacare.

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Citation: Obamacare future hangs in balance at US Supreme Court (2015, March 3) retrieved 11 May 2024 from <https://medicalxpress.com/news/2015-03-obamacare-future-supreme-court.html>

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