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Affordable Care Act in Supreme Court Showdown

March 26, 2012

CHARLESTON, W.Va. - Legal scholars and health care advocates around the country and in West Virginia are watching carefully as health care reform goes before the nation's highest court. This week, the justices will look at two provisions of the Affordable Care Act: the mandate that nearly everyone must have insurance, and the expansion of Medicaid.

Melissa Hart directs the Byron White Center for the Study of American Constitutional Law. She says it is hard to predict how the court will rule in the case, because lower courts' opinions were not consistent. That makes the high court's role vital, she adds.

"In this case, it's really impossible to look for any tea leaves. It would have been - I mean, truly would have been - irresponsible not to take it."





During an unusual six hours of oral arguments spread over three days, the federal government will face off against several private parties and 26 states - not including West Virginia - over the scope of congressional power. Lower courts have, for the most part, ruled in favor of the law's constitutionality.

Scott Moss, a law professor at the University of Colorado, says the argument that the ACA violates the initial intent of America's founders is weak.

"One of the first laws Congress passed, called the Second Militia Act of 1782, did mandate that all private citizens have to buy a gun for the goal of military readiness."

One effect of the legal fight has been to delay the law's implementation. In some ways, West Virginia is farther along than many, according to Renate Pore, health policy director with the West Virginia Center on Budget and Policy. However, she says, a lot remains to be done to set up the state exchange where people will go to buy insurance.

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"The governor has not appointed a governing board for the exchange. At some point, you can't move forward until you have that board to make the policy decisions."

In part because of the health insurance exchanges, the American Medical Association estimates about 70 percent of uninsured West Virginians would be covered. The AMA expects the total uninsured to fall from more than 225,000 people to just under 80,000.

The SCOTUS ACA docket is at www.supremecourt.gov.
Dan Heyman, Public News Service - WV

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