

U.S. Supreme Court set to decide on health care law crucial to subsidies

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For Missourians like Sheryl Block, of Neosho, a pending decision by the U.S. Supreme Court challenging the legality of the Obama administration's enforcement of the 2010 federal health care law could hit close to home.

Block enrolled in the federal health care exchange in December. There, the former poultry plant worker, who became disabled when she injured her back last summer, purchased a subsidized health care plan at HealthCare.gov. When she signed up for her plan, she was paying a \$19-a-month premium.

"It's working pretty good. I've not had any problems with it. I'm pretty surprised," she said in an interview.

The problem? Opponents of the law, backed by the conservative-leaning Competitive Enterprise Institute, have argued all the way to the high court that the Obama administration is going beyond the authority given to it by a single sentence in the 2010 Patient Protection and Affordable Care Act. These opponents are putting plans like Block's in jeopardy.

The law states that insurance subsidies can be divvied, "through an Exchange established by the state." But in states like Missouri and all of its bordering states except for Kentucky, no state-run health care exchange exists.

Lt. Gov. Peter Kinder, a Republican who has led the state's opposition to the law, said the King case puts conservatives like him in a peculiar spot, in a way supporting the very law they profess to oppose.

"Look at the plain meaning of the words. We're not asking this court to overturn Obamacare, we're asking it to enforce it on its terms as written," he said.

In 2012, Missouri voters enacted a law that bars the state from establishing a state-run exchange. Missouri's ban is statutory, meaning the Legislature could repeal it if the political will to do so exists. But Oklahoma has banned insurance mandates in its constitution, making it harder for lawmakers there to enact such an insurance pool.

With stubborn resistance from 34 states, home to about 6.4 million health care consumers who would seek to participate in an exchange, the federal government established its own at HealthCare.gov.

Among its neighbors, Missouri has the highest percentage of its population relying on a federal

subsidy and its exchange, according to the Department of Health and Human Services. Here, about 198,000 people (or 3.8 percent of the population) are enrolled using federal help, compared to 48,000 in Arkansas, 87,000 in Oklahoma and 70,000 in Kansas.

Eliminating the subsidies, a blow to the health care law, could upend the insurance industry in 34 or more states. For now, it does not appear that Missouri has much of a contingency plan for what happens if the Supreme Court strikes the provision.

“What I can tell you right now is that we are continuing to monitor this,” said Scott Holste, a spokesman for Democratic Gov. Jay Nixon.

Block, who could take a hit depending on how the Supreme Court decides, said her health care premiums rose this year to \$44.99, an unaffordable rate for her since she has had to leave her job. And even though she did, the law sees her right now as making too much money to receive state assistance through its Medicaid program that state lawmakers have chosen not to expand.

“It’s late this month,” she said. “I may end up without any insurance.”

Kinder — who is considering his own foray into the growing field of Republican candidates to replace Nixon, who cannot seek re-election in 2016 — said he does not see any appetite in the Legislature to expand Medicaid or enact an exchange on its own to remedy the issue for Missourians who could lose their subsidies, depending on how the court decides.

“Most of that action is in the federal Congress, where Republican majorities in both chambers would need to respond,” he said.

President Barack Obama, speaking to reporters last week in Krun, Germany at the conclusion of the G7 Summit, said that the judicial precedent — not a political one — should guide the high court in its decision makin.

“Those who passed this legislation never intended for folks who were going through the federal exchange not to have their citizens get subsidies,” he said. “You interpret a statute based on what the intent and meaning and the overall structure of the statute provides for.”

Obama added, “It’s not something that should be done based on a twisted interpretation of four words in — as we were reminded repeatedly — a couple-thousand-page piece of legislation.”

Sen. Roy Blunt, R-Missouri, has signed on to a Republican-backed plan that aims to address the problem that could arise for people in states with no exchange, but the plan is different than the fix called for by Obama. Blunt is backing a measure sponsored by Sen. Ron Johnson, R-Wisconsin, that would, among other things, allow small businesses to pool together in their own exchange and allow consumers to purchase health care plans across state lines.

“Obamacare is bad for Missourians, and I’ll keep fighting until we fully repeal and replace this

deeply flawed law with common-sense health care solutions. If the Supreme Court rules in favor of King in King vs. Burwell, then this bill would help the millions of Americans who were once again hurt by Obamacare's false promises," Blunt said in a statement to the Globe.

The Associated Press contributed to this report.