



The Patient Protection and Affordable Care Act in the Supreme Court

Coverage, accessibility, cost accountability and quality of health care are just a few of the issues the Obama Administration claimed to reform with the Patient Protection and Affordable Care Act (P.L. 111-148, PPACA). Proponents of the legislation praised how successful PPACA would be in addressing the woes plaguing the American health care system; opponents, however, projected PPACA would do more harm than good. Despite PPACA being signed into law on March 23, 2010, and amended on March 30, 2010 by P.L. 111-152, the Health Care and Education Reconciliation Act of 2010 (HCERA), its provisions have been subject to legal debates over the statute's constitutionality.

While the impact of the law is heavily debated, four primary arguments surround the debate against PPACA's constitutionality before the Supreme Court. These include the **individual mandate**, the application of the **Anti-Injunction Act**, the lack of a **severability clause** in the statute, and the **Medicaid expansion** contained in the law.

The oral arguments will begin on March 26th and continue through March 28th of this year. On March 26th, the Supreme Court will hear 1 hour of arguments on the Anti-Injunction Act. Day 2 will include 2 hours on the individual mandate, and day 3 will include 2.5 hours of debate regarding the Severability Clause and Medicaid expansion. Below are short descriptions of each argument before the court.

Individual Mandate - The mandate, included in (Section 1501 of the Affordable Care Act), asserts that all Americans must purchase a health care insurance policy or be covered beginning in 2014 or be subject to a penalty. The individual mandate has become the focus of most cases addressing the constitutionality of the health care law.

Anti-Injunction Act- Before the Supreme Court issues its opinion on PPACA, it must determine if they are issuing their decision 3 years prematurely due to the legal constraints of the Anti-Injunction Act. Under the Anti-Injunction Act, it is traditionally necessary that a specific person is affected by the law, specifically the penalty for noncompliance, before they can pursue a lawsuit.

Severability Clause - A severability clause may be added to legislation which is both large in size and scope as an insurance policy in the event a provision in the law is found to be unconstitutional. The lack of severability clause in PPACA has created a debate on whether the entire law could be stuck down or just specific sections if they were found to be unconstitutional.

Medicaid Expansion - Under the law, the Medicaid program will face the largest expansion in its history – covering Americans under age 65 who have incomes less than 133% of the federal poverty level. The expansion has a direct impact on the states and the justices will have to determine if the federal government was overly coercive in its expansion.