

Legal challenges to Obamacare bad for Floridians

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You could call the latest attack on the Affordable Care Act semi-successful, with two different appellate courts issuing opposite opinions on whether the IRS has the right to send health insurance tax credits to consumers buying through the federal exchange, HealthCare.gov.

The case is likely to go before the U.S. Supreme Court, where Obamacare opponents could easily win.

But sometimes, winning means losing. That would certainly be the case for Floridians.

Consider that nearly 1 million Floridians bought policies through the federal exchange, and nine out of 10 of them qualified for the tax credit this year.

The tax credit made a huge difference in the affordability of their health insurance. The average premium in Florida cost less than most cellphone bills, just \$68 a month. Without the tax credit? It was more like a new car payment, \$347 a month.

ACA a success here

According to a study by Wallet Hub, the Affordable Care Act has been a big success story for Florida, despite the state's failure to expand Medicaid. The state's uninsured population dropped from a quarter of all Floridians to 1 in 5.

That message isn't getting out to the conservative political machine, which continues to hammer its groupthink mantra, "repeal, repeal, repeal." Given the real possibility that Obamacare opponents could achieve their goal, it's worth taking a moment to recall what the insurance marketplace looked like before the law passed.

Anyone who developed a pre-existing condition -- cancer, heart conditions, autoimmune diseases, diabetes -- lived in terror of losing their job and the insurance that came with it. If they could find individual insurance, the premiums often cost the equivalent of a house payment.

Don't forget the annual caps and lifetime limits on policies. Families whose children had costly chronic conditions fared worst. Their children might find themselves at the lifetime limit by elementary school.

And remember the word "rescission"? That was the nasty little practice some insurers had of pulling someone's policy the moment they became sick, hunting for a paperwork error or omission -- say, not disclosing the time they took antidepressants -- and calling it grounds for cancellation. It happened to 3.7 per 1,000 policies between 2004 and 2008, before the passage of the health law, according to a report from the National Association of Insurance Commissioners.

ACA made all of that go away. It's easy to forget. But no one should forget those bad old days, because the threat to the survival of the health law is real, and as serious as it has ever been.

Some disturbing elements

What's particularly disturbing is the way this issue has pitted the super-wealthy against the working poor. The strategic thinking behind the successful Halbig case was done at the Cato Institute, in large part by libertarian policy wonks Jonathan Adler and Michael Cannon, whose salaries have been paid in part by donations from billionaires Charles and David Koch, both board members whose donations have exceeded \$30 million through the years, according to The New York Times.

What's also disturbing is that Cannon was on Florida Gov. Rick Scott's transition team, and was his go-to policy advisor. Cannon also urged the Legislature not to open a state-based insurance exchange.

Now, because of their lawsuit, working poor Floridians who finally had a break on health care may lose it.