



OKLA. LAWSUIT: FIRST TEST OF LEGAL ARGUMENTS AGAINST INSURANCE EXCHANGES

OCT 18, 2012

Some of the lawsuit's backers maintain that last summer's Supreme Court health law decision would not be the "law's last trip" to the high court.

[CQ HealthBeat](#): New Legal Challenge To Health Care Overhaul Tests Law's Central Feature

A lawsuit filed by the state of Oklahoma provides the first court test of a legal argument targeting insurance exchanges at the center of the 2010 health care overhaul, experts on both sides of the lawsuit said at a Capitol Hill forum Wednesday. The lawsuit, filed Republican Oklahoma Attorney General Scott Pruitt on Sept. 19, picks up on an argument that has been promoted in recent months by the libertarian Cato Institute, a Washington think tank that organized the forum in a House office building Wednesday. Oklahoma and Cato scholars argue that an IRS rule that is critical to the functioning of the insurance exchanges conflicts with statutory language in the health care law, and therefore should be struck down (Gramlich, 10/17).

[Politico Pro](#): Exchange Lawsuit Backers: ACA Not Done With Courts

Two of the most prominent backers of a lawsuit challenging the federal exchanges in the health reform law promised Wednesday that the individual mandate lawsuit that was decided this summer will not be the law's last trip to the Supreme Court. The Supreme Court ruling that upheld the mandate "may have been the most significant federal court decision on health care thus far, but it will not be the last," Jonathan Adler, a law professor at Case Western Reserve University, said at a panel discussion on the lawsuit organized by the Cato Institute (Haberhorn, 10/17).

Meanwhile --

[Fox News](#): Issa Threatens Subpoena This Week Over ObamaCare Documents
Republican Rep. Darrell Issa has threatened to subpoena the Department of Health and Human Services if it does not turn over documents by Thursday on a program he claims is being used to "buy" the election by hiding the effects of ObamaCare. Issa, the chairman of the House Oversight and Government Reform Committee, made his demands in a letter late Wednesday to Health Secretary

Kathleen Sebelius. His office effectively is accusing the department of stringing them along in their months-old request for documents about an \$8 billion program that pays bonuses to Medicare Advantage plans. ... Issa claims the bonus program is being used to mask the first round of Medicare Advantage cuts in connection with the health care overhaul -- in order to win favor with seniors. He said in a recent letter that "the only plausible explanation" for the program is that it's being used as a "temporary bandage" to cover up cuts, "realizing the political danger" of those cuts in an election year (Berger, 10/18).

This is part of Kaiser Health News' Daily Report - a summary of health policy coverage from more than 300 news organizations. The full summary of the day's news can be found [here](#) and you can sign up for e-mail subscriptions to the Daily Report [here](#). In addition, our staff of reporters and correspondents file original stories each day, which you can find on our [home page](#).