

Critics eye Mass. Health after Obamacare ruling

By Hillary Chabot and Christine McConville | Tuesday, December 14, 2010 | <http://www.bostonherald.com> | [Local Politics](#)

The Bay State's landmark "Health Care for All" law could come under renewed legal challenges in the wake of a federal court ruling that struck down a key piece of the Massachusetts-modeled Obamacare — a decision that could shake a cornerstone of the Patrick administration, opponents warned.

"(Massachusetts' health-care reform) is in serious trouble. The rationale used to mandate Obama-care is very similar to the mandate (here)," said James Rappaport, former Massachusetts GOP chairman who owns two hospitals in Washington, D.C.

Virginia U.S. District Judge Henry Hudson ruled yesterday that the federal government cannot force people to buy health insurance. The ruling gave Obama-care opponents across the country momentum in their battle against the sweeping legislation set to go into effect in 2014.

Rappaport said that even though the ruling hinges on the U.S. Constitution and not state laws, the Bay State law — which requires middle- and upper-income people not covered by their employers to buy medical insurance — "can very likely be subject to the same level of attack . . . because they use the same basis to demand mandatory purchase."

Massachusetts has already faced numerous legal challenges over the issue. Since the law passed in 2006, 13 people have sued the state, said Health Insurance Connector spokesman Dick Powers. Two of those cases were settled out of court, four were denied, three were sent back to the Connector for a hearing, and another four are pending.

At least two Bay State business groups say local firms are likely to challenge the local health-care law if the U.S. Supreme Court upholds the Virginia ruling.

"There will certainly be a lot of folks in Massachusetts that think, 'If it's unconstitutional under federal law, it also should be under state law,'" said Jon Hurst, president of the Massachusetts' Retailers Association.

Bill Vernon, who chairs the Bay State branch of the National Federation of Independent Businesses, said he's also keeping an eye on the outcome.

"Even the most ardent advocates will admit we did nothing about the cost of health insurance, and that is our major complaint," Vernon said.

A successful challenge of the Bay State's universal health-care overhaul, which Gov. **Deval Patrick** has stewarded since 2006, would tarnish a highly touted jewel of his tenure, according to Boston University political professor Thomas Whalen.

"Certainly, he trumpeted it during his re-election campaign," Whalen said. "In combination with the still high unemployment in the state, this is not a good omen for his second term."

But Patrick, who has said reducing the cost of health-care reform is a priority, brushed off the Virginia decision yesterday.

"The ruling will not affect the extraordinary gains we have made," said Patrick in a statement, pointing out that 98 percent of Massachusetts' residents are insured.

U.S. Sen. Scott Brown also defended the state's law, saying that while the federal mandate isn't appropriate, "Massachusetts health-care law is nothing like the federal mandate . . . the state's rights are very important and this ruling proves it."

Those filing legal action against the Bay State will have a far tougher battle than officials in Virginia, because states have much more leeway to create their own laws, agreed Michael Tanner, health-care reform specialist with the Cato Institute, a conservative Washington-based think.



"This was specifically a federal decision where the judge ruled that the federal government lacks the authority to (mandate insurance) under the U.S. Constitution," Tanner said. "States traditionally have a lot more power. It would be a difficult challenge."

Article URL: <http://www.bostonherald.com/news/politics/view.bg?articleid=1303003>

Related Articles:

Tea party claims win with ruling
</news/politics/view.bg?articleid=1303042>

'We need people to stand up for us'
</news/columnists/view.bg?articleid=1303002>

Let's put some care in the health-care debate
</news/columnists/view.bg?articleid=1303001>

THE BUSINESS IMPLICATIONS OF GOVERNMENT ACTION

Bloomberg
GOVERNMENT
BGOV.COM

[Contact us](#) | [Print advertising](#) | [Online advertising](#) | [Herald history](#) | [News tips](#) | [Electronic edition](#) | [Browser upgrade](#) | [Home delivery](#) | [Herald wireless](#)

[\\$ave on Boston Herald Home Delivery](#)

[Jobs with Herald Media](#)

For back copy information and more information on other collectible copies please call 617-426-3000 Ext. 7714. [Click here for Celtics, Patriots and Red Sox back copies](#)



© Copyright by the Boston Herald and Herald Media.

No portion of BostonHerald.com or its content may be reproduced without the owner's written permission. [Privacy Commitment](#)

0.027778 : cached : owl.heraldinteractive.com
MA20041303003_2010-12-14 07:44:02_text_1_3069_0