



## Will the Individual Mandate Sink ObamaCare?

By TOM GANTERT | Nov. 17, 2010

The individual mandate that requires every U.S. citizen to have health insurance by 2014 has become the lightning rod of controversy of the Patient Protection and Affordable Care Act.

Nina Owcharenko, director of health policy studies at The Heritage Foundation, called the individual mandate "the poster child for what is wrong with the new health care law."

Michigan became one of the first battlegrounds for its legality. Last month, a U.S. district judge in Detroit ruled that the individual mandate was constitutional.

The Thomas More Law Center filed the complaint. Rob Muise, senior trial counsel for TMLC, filed a notice to appeal, and the case has been sent to the U.S. Court of Appeals. He said the appellate court could take from six months to a year to make a decision.

"The chances are very good (for an appeal)," Muise said. "If they uphold it, there really are no limits to Congress's power under the Commerce Clause."

Since the bill was passed, more and more analysis is being done over just what impact the mandate will have.

Michael Tanner, senior fellow at the Cato Institute, released his analysis of the mandate's far-reaching effects.

Tanner states that simply having insurance is not enough to escape the penalty. Plans will require such services as "ambulatory patient services, emergency services, hospitalization; maternity and newborn care, mental health and substance abuse treatment; prescription drugs; rehabilitative and habitative services; laboratory services; preventative services; wellness services; chronic disease management; pediatric services, and dental and vision care for children."

Failure to comply will result in a fine equal to 1 percent of income. The penalty increases to 2 percent in 2015, and finally to 2.5 percent in 2016.

In 2016, the minimum penalty for an uninsured family of four (children count as half an adult) will be \$2,085, according to Tanner.

Those people who choose to go without health care could risk losing their income tax return if they don't pay the fine. The IRS could withhold refunds to those who don't pay, as was suggested by Steven Miller, an IRS Deputy Commissioner for Services and Enforcement.

According to the Congressional Budget Office, four million people will face penalties in 2016. The federal government projects this will raise \$17 billion from penalties by 2019.

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