

# Health Care Reform at the U.S. Supreme Court: *Florida v. HHS*

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**Policy and Political Implications of the Supreme Court Case  
on the Affordable Care Act**

**Washington, DC**

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# Parties

**26 States, led by Florida**

**and**

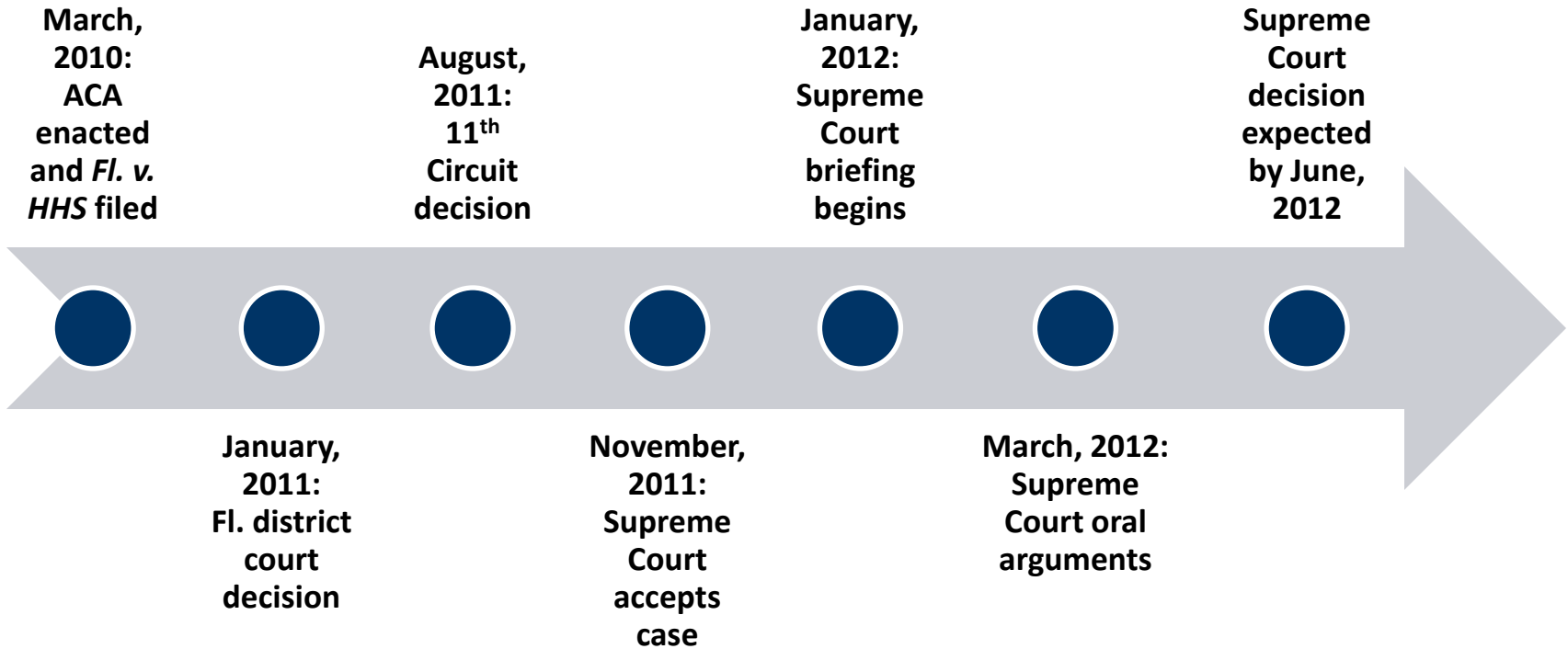
**NFIB and  
Individual Plaintiffs**

**vs.**

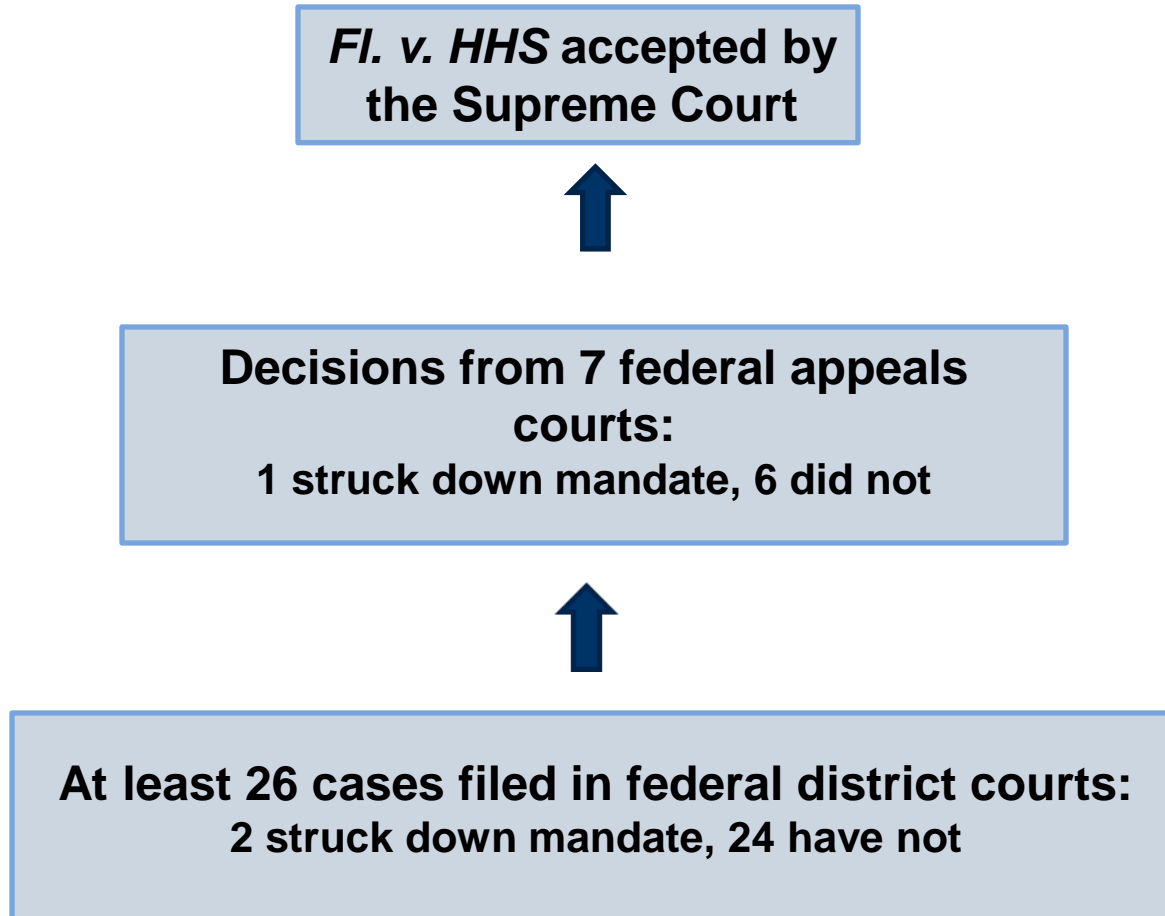
**U.S. Departments of  
Health & Human Services,  
Treasury and Labor**

**FIGURE 2**

# Key Dates

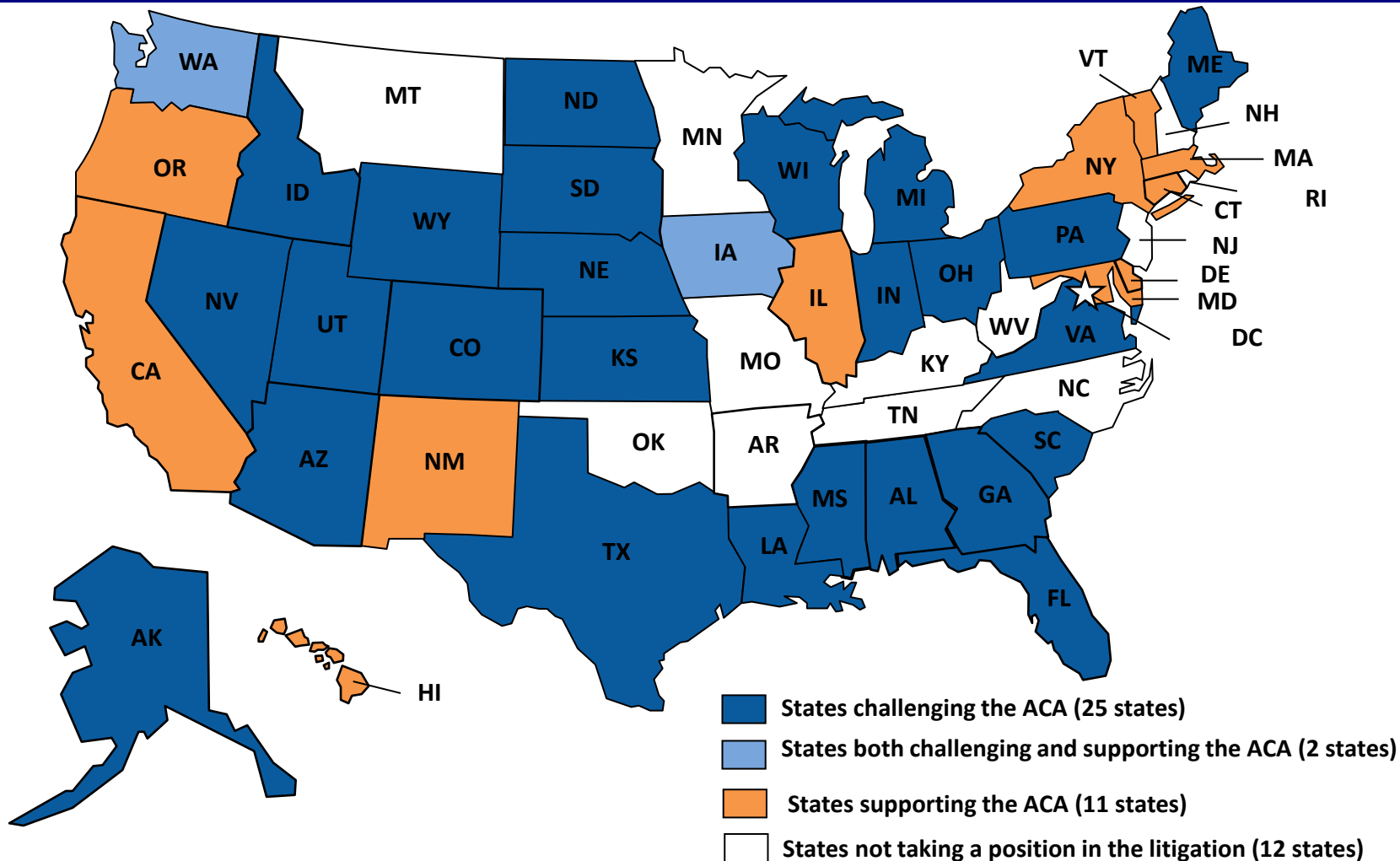


# The Road to the Supreme Court



**FIGURE 4**

# States' Positions in *FL. v. HHS*



Note: VA filed its own challenge separately and is not a party in the case accepted by the Supreme Court

## Issues

1. Do courts have jurisdiction to decide the constitutionality of the ACA's individual mandate provision now?
2. If so, is the ACA's individual mandate provision constitutional?
3. If unconstitutional, is the individual mandate provision severable?
4. Is the ACA's Medicaid expansion constitutional?

## Issue 1: Anti-Injunction Act (AIA)

- If the Court decides that the ACA's financial penalty is considered a "tax" under the AIA, this challenge to the mandate is dismissed, and courts cannot hear cases about the whether the mandate is constitutional until **April, 2015**.
- If the Court decides that the AIA does not apply, the Court will decide whether the mandate is constitutional **now**.

## Issue 2: Constitutionality of the Mandate

- Possible Bases for Constitutionality:
  - Commerce Clause
  - Necessary and Proper Clause
  - Tax Clause
- If the Court decides the mandate is constitutional, it will take effect in 2014, unless Congress acts to repeal or postpone it.



## Issue 3: Mandate is Struck Down – Is it Severable?

- If the Court decides the mandate is **not severable** from the rest of the law, it invalidates the **entire ACA**.
- If the Court decides the mandate **is severable**, the Court could
  - strike just the mandate, or
  - the Court could also strike the **guaranteed issue and community rating provisions**.

## Issue 4: Medicaid Expansion Upheld

If the Court decides the Medicaid expansion is constitutional, it takes effect in 2014, unless Congress acts to postpone or repeal it.

## Issue 4: Medicaid Expansion Struck Down

- If the Court decides the Medicaid expansion is **not severable**, it invalidates the **entire ACA**.
- If the Court decides the Medicaid expansion is **severable**, the Court could:
  - strike just the Medicaid expansion, or
  - strike the Medicaid expansion and other provisions of the ACA.

# What's At Stake for Health Care Reform in the Supreme Court?

- Individual Mandate
- Medicaid Eligibility Expansion
- Entire ACA, including:
  - Health insurance market reforms
  - Health insurance exchanges
  - Employer responsibility provisions
  - Tax subsidies for premiums and cost-sharing
  - Medicare benefits expansion, payment reductions
  - Delivery system reforms (ACOs, etc.)
  - Public Health and Prevention Fund
  - Health care workforce expansions
  - Transparency and program integrity provisions