Herbert touts Utah solutions as health care reform debate heads to Supreme Court

Utah among 26 states suing government over 2009 legislation

By Dennis Romboy, Deseret News
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SALT LAKE CITY — As the two-year anniversary of federal health care reform approaches, Utah Gov. Gary Herbert was in the nation's capital Wednesday touting states' ability to find their own solutions.

His speech at American Action Forum also comes as the U.S. Supreme Court has scheduled three days of oral arguments on the Patient Protection and Affordable Care Act starting next Monday. Utah is among 26 states that sued the federal government over the controversial legislation.

Herbert called the Obama administration's health care reform a failure that is moving in the exact opposite direction from what it should be.

"It won't protect Americans from rising health care costs, and it won't ensure that the services they need will be available when they need them," he said.


Herbert said the most "egregious" aspect of federal reform efforts was the exclusion of states in the discussion. "I think that's one of the reasons we are on the wrong road," he said.

Obama, he said, missed the opportunity to demand from Congress a bipartisan, state-driven solution.

Judi Hilman, executive director of the Utah Health Policy Project, said Herbert's stance won't help bring the sides together.

"As long as states like Utah, at least their leaders, are saying, 'We want no part of this,' it'll be a while before we can bring any worthwhile bipartisan content..."
to this, and that is what I lament more than anything else," she said.

Obama signed the health care reform act into law two years ago Friday after Congress approved it mostly along party lines. It changes certain aspects of the private health insurance industry, increases coverage of pre-existing conditions and aims to extend insurance coverage to more than 30 million Americans. It requires individuals to buy insurance or pay a penalty beginning in 2014.

Herbert called the law federal overreach and touted the Utah Health Exchange as an innovative system that meets the needs of the state's businesses and uninsured residents. It will survive even if Obamacare stands, he said.

But according to the Utah Health Policy Project, the exchange had made virtually no difference in the number of uninsured Utahns.

"We need the guardrails we are getting from the Affordable Care Act," Hilman said. It puts the country and the state on a path toward quality, affordable health care for everyone, she said.

"It's a decent beginning for what needs to be a multiyear process of reform," she said. "What we regret most of all is just how this has turned into a political bloodsport."

Utah joined 26 states and the National Federation of Independent Business in challenging the constitutionality of what some have dubbed "Obamacare."

As of January, two of four federal appellate courts had upheld the law; one declared the individual mandate unconstitutional and a fourth ruled the issue couldn't be decided until taxpayers begin paying penalties. Those decisions propelled the case to the U.S. Supreme Court.

The states petitioned the high court to act before the 2012 presidential election because of uncertainty over costs and requirements. Oral arguments are scheduled for March 26-28 and a decision could come at the end of June.

Congressional Republicans have said they'll have a replacement plan ready once the Supreme Court rules on health care, after struggling for the past year with the "replace" part of their "repeal and replace" agenda.

Herbert said GOP governors are working on a framework based on seven principles that will work better than the current law. Those principles include personal responsibility for health care, market-based solutions and innovation at the state level.

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