Shurtleff may sue to stop health care reform

Corrupt process? = Utah attorney general may join nine other states in lawsuit against 'vote buying.'

By Cathy McKittrick

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Utah Attorney General Mark Shurtleff is poised to join nine of his conservative colleagues across the nation in suing the federal government over health care reform.

"It smells rotten and indicates a corruption that we haven't seen before," Shurtleff's chief civil deputy, John Swallow, said Monday.

Swallow, a former congressional candidate, referred to Sen. Ben Nelson's vote that allowed the federal legislation to clear the Senate last week in exchange for special Medicaid breaks for the Democrat's home state of Nebraska.

"We're working hard to prevent what could become a culture of vote buying," Swallow said of the alliance he and Shurtleff recently formed with South Carolina Attorney General Henry McMaster and other Republican AGs who are framing the fight as a fierce battle over constitutionally guaranteed states' rights.

A Utah legislator, Rep. Carl Wimmer, R-Herriman, said he backs Shurtleff's position. Wimmer is sponsoring a bill in the upcoming legislative session that would require Utah to opt out of any federally mandated health care reform.

"Health care reform should be conducted at the state level," Wimmer said, "and not be forced upon us by the people in Washington, D.C."

In May, Wimmer organized Utah's branch of the conservative Patrick Henry Caucus, which boasts close to 40 of the state's 104 lawmakers on its membership rolls.

Wimmer's organization voted unanimously last week to support litigation against the federal reform measure.

"We would file an amicus brief as part of the

Hilman argues that Utah has yet to get it right when it comes to health care reform.

"The premise of our state's reform process is to contain costs first and then capture the savings to cover the uninsured," Hilman said. "But all the research shows that the way to bend the cost curve is through coverage, not around it."

Legal scholars already have weighed in on federal health-care reform, Hilman added, and overwhelmingly favor allowing states to keep their own plans intact.

"I can feel their pain," she said. "But it's pain we -- the feds, states and cost-containment experts -- need to understand.

Hilman argues that Utah has yet to get it right when it comes to health care reform.

"If part of the AG's point is that states are doing the same thing as Congress, he's wrong," she said. "But if he frames the fight as a fierce battle over constitutionally guaranteed states' rights, he's right.

"Part of the AG's point is that states are doing just fine reforming their health care systems, in Utah's case that would not be true," Hilman said.

"Until they really look at issues of affordability and bringing people into the system, we have no leg to stand on in the case of states' rights."
learn how to manage together.”

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Utah Attorney General Mark Shurtleff has joined South Carolina AG Henry McMaster and colleagues from Alabama, Colorado, Michigan, North Dakota, Pennsylvania, Texas, Virginia and Washington in pursuing possible legal action over alleged states-rights violations in federal efforts at health care reform.

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