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The Future of Utah Health System Reform

Dan Bammes (2010-11-16)

SALT LAKE CITY, UT (KUER) - For the past three years, the Utah legislature has been working on its own process of health care reform, passing bills that set up an insurance exchange for small business and others requiring state contractors to provide insurance and to simplify insurance paperwork. It's also passed resolutions that urge Congress not to interfere in the efforts states have already made.

That was before a conservative wave swept Republicans into the majority in the U-S House of Representatives. Many state lawmakers were already resisting what they call "Obamacare." And a conservative backlash apparently cost the speaker of the Utah House his job - Becky Lockhart will replace Dave Clark in the speaker's chair during the upcoming legislative session.

But those who've led Utah's health care reform efforts say they intend to press ahead and work to integrate what Utah's already done with the new federal law - hoping that the Obama administration will give them the flexibility to do it Utah's way.

It's rare for a speaker in Utah's House of Representatives to sponsor legislation, but Dave Clark was the champion of the bills created by the state's health care reform commission. Clark says he plans to continue in that role, and he says the first order of business is to keep that reform commission working.

"I think Utah's well-positioned," Clark says. "We've created, I think, a very healthy franchise for health system reform for the state of Utah and what works for us. I've been contacted by at least 20 other states inquiring about the Utah model versus the Massachusetts model of how to use an exchange. One is very heavily regulated and mandated and the government picks what plans and everybody has to buy from the government. The Utah model is a very market-based exchange. There are no mandates. Everybody volunteers to come and participate."

But the situation is getting more complicated as the effective dates for the federal health care reform law get closer. Republicans in Congress have vowed to repeal it - but they don't have the votes to override a presidential veto. John Nielsen, who represents Governor Gary Herbert on the state's health care reform commission, says they just don't know what the mood of the legislature will be or what might come out of Congress.

"Who knows what compromises might be made?" Nielsen asks. "So all of those things are pretty much up in the air in terms of whether we go forward in a very proactive way to try to incorporate what the current law is and prepare for that in terms of how the exchange would function, how the Medicaid program would function. We don't know the answer to that yet. We're just going to have to see where the leadership and the legislature want us to go."

Judi Hilman, an advocate with the Utah Health Policy Project, doesn't want to see the state lose momentum. She's hoping Clark will be able to focus on the next steps on Utah's reform agenda, especially now that he's no longer subject to the pressures of being speaker.

"Right now," Hilman says, "we know that small businesses in Utah really want to share risk with other small businesses, but he has not felt like he had enough backing and support to take a big jump like that. So I think that if employers want real reform, and if employers want us to take advantage of all the opportunity for small businesses in federal health reform, then they will work with Speaker Clark and back him up."

State Senator Wayne Niederhauser, who chairs the health reform task force along with Representative Clark, says, as a practical matter, the state of Utah needs to be prepared when the federal health care law takes effect - or lose its opportunity to influence the process.

"There's a law passed," Niederhauser told KUER. "It's the law of the land. And we don't like it, or some don't like it, I should say. But you've got to find a way to either repeal it, or make it unconstitutional, otherwise it is the law of the land. So you've got to deal with it."

State Representative Becky Lockhart, who will serve as speaker in the upcoming session, didn't respond to repeated invitations to comment on this story.

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