

In our opinion: In wake of ACA ruling, Congress and president can calmly address needed improvements

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The Supreme Court ruling that the government can legally offer subsidies under the Affordable Care Act offers clarity and focus for those who would push for much-needed reforms in the law.

In essence, the court made it clear that those who would like to see portions of the law changed or repealed shouldn't expect the courts to open the door. The road to reform goes through Congress and, as we have long argued, should come as the result of bipartisan agreement.

The high court held that interpretation of the language of the law should be consistent with the overall legislative scheme to improve national health care delivery. As Chief Justice John G. Roberts Jr. wrote for the majority, "Congress passed the Affordable Care Act to improve health insurance markets, not to destroy them."

The ruling eliminates the potential of millions of people losing current coverage or facing sharp increases in their insurance costs and the subsequent political blame game and likely stalemate.

With the legality of subsidized exchanges now clarified, Congress and the president can now address needed improvements of the law in a calm and statesmanlike manner.

At the heart of any reform effort should be the very part of the law under scrutiny in the case *King v. Burwell*. Nearly 9 million people are receiving some form of subsidy for health insurance. The size and nature of those subsidies should be subject to close watch and adjustment as we go forward to eliminate a cycle of dependency in which people who are able to pay a greater cost for their own insurance are given an incentive not to. The subsidization of health care should occur more as policy created in deference to free market forces than one guided by bureaucratic discretion.

In Utah, the ruling should expedite resolution of the tiresome dispute over extending Medicaid coverage under the ACA to millions of low-income families and individuals. Opponents of Gov. Gary Herbert's Healthy Utah Plan have said a decision should be postponed until the court ruling. Likewise, the ruling may prompt a re-examination of whether Utah should extend its Avenue H exchange to cover individuals. The exchange now covers small businesses, and the governor has said he would rather see the ACA repealed or overhauled before committing to a Utah exchange for individuals.

But the Supreme Court has made it clear the apparatus cobbled together as President Obama's signature legislative effort is here to stay. In the popular idiomatic phrase, the ACA "is what it is." With its flaws and imperfections, the act is the law of the land, but as is the case with all policy and law, it can be changed. With the possibility of judicial disruption now largely gone, the path is clear to discuss concrete measures aimed at necessary renovation and reform.