

Utahns have mixed reactions to health care decision

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SALT LAKE CITY — Refugio Victor Saldivar went without health insurance for more than 20 years.

"I just prayed nothing would ever happen to me," he said Thursday. "It was too expensive."

But luck ran out for the 58-year-old hairstylist, who was diagnosed with kidney cancer in December. He had gone to

an urgent care clinic because he was having a hard time breathing and irregularities in his blood work pointed to bigger problems.

Saldivar ultimately had his left kidney removed and while he's currently cancer-free, he must return for pricey exams every six months for the next several years.

But fortunately for him, Saldivar, who works at Kaos Hair Studios in Salt Lake City, is covered under the Affordable Care Act and receives federal handouts to help cover the cost of his health insurance.

"Chances are I wouldn't make it through this year without it," he said. "The fact I was insured through the Affordable Care Act saved my life because I wouldn't have gone to the doctor in the first place."

The United States Supreme Court solidified at least the near future for Saldivar, as it delivered its decision on [King v. Burwell](#) on Thursday — allowing him, 86,330 Utahns and millions of other Americans to keep receiving subsidies in order to afford access to health care.

The health care law was challenged to eliminate the tax credits in states that did not create their own system for enrollment, but instead relied on the federal marketplace.

Since it was adopted, the law has provided tax incentives to individuals who meet income requirements, earning between 100 and 400 percent of the federal poverty level. Anyone earning under 100 percent of the federal poverty level qualifies for Medicaid programs under the health care reform.

Utah is one of 37 states that chose to have users enroll in the federal marketplace. Avenue H, which provides enrollment services to small businesses in Utah, is the state's own system, but is not available to individuals and families.

It was feared that if people lost the tax incentive to obtain health insurance through the federal marketplace, they might not be able to afford benefits at all, though the Affordable Care Act of 2010 was intended to increase the availability of health insurance.

"I don't know how you'd want to take away something that saved someone's life," Saldivar said, adding that he believes many others have been saved because of new access to health insurance.

More than 128,220 Utahns have enrolled in health insurance benefit programs through www.healthcare.gov since it was made available in October 2013. Twenty-two percent of Utahns enrolled are children and 54 percent are under age 35, according to the U.S. Department of Health and Human Services.

Utah's uninsured rate dropped from 15.6 percent in 2013, to 13.3 percent in 2014. And 67 percent of people enrolled in the federal marketplace rely on premium subsidies, according to recent data.

"They are now able to continue to use their health care benefits and not have them be at risk because of politics in Washington, D.C.," said Jason Stevenson, spokesman for the [Utah Health Policy Project](#), an advocacy group for the uninsured. He said the latest decision also helps to stabilize the insurance market, avoiding a projected sharp increase in premiums for everyone else had the Supreme Court overturned the statute, thus destroying the wide risk pool.

"It would have been a natural disaster for the health insurance marketplace, only it would have been a man-made disaster," Stevenson said. He is confident that increased access is working, providing more people with needed benefits, and reports that surges in enrollment are expected to happen throughout the state as information spreads.

Many disappointed

There are some, however, who believe the health care law should be completely overturned.

"Obamacare remains a poorly written law in drastic need of reform," said Derek Monson, director of public policy for the Sutherland Institute. The local conservative think tank claims the high court chose "rule of power over rule of law" on Thursday "in favor of legal sophistry," Monson said.

The law gave states options in how to provide access to insurance, but Utah has yet to make a decision on expanding benefits to the state's most poor. Utahns who fall in the coverage gap remain without access to benefits, as they don't make enough to qualify for subsidies but make too much to be eligible for Medicaid.

Utah Gov. Gary Herbert said in a statement he was disappointed in Thursday's ruling. Yet despite his belief the health care law is flawed, he said, "We are a nation of laws and I will continue to work diligently to maximize state flexibility within the legal parameters."

The governor said he will continue to "strongly support" GOP efforts at the federal level to repeal and replace the law "with policies that provide access while addressing the rising costs of health care."

Sen. Orrin Hatch, R-Utah, said the ruling does not change the Republicans' plan "to reverse this course by repealing and replacing Obamacare with reforms that put patients — not Washington — first."

Hatch said this latest Supreme Court decision "failed to hold the Obama administration responsible for its reckless execution of its own poorly crafted law," allowing the law's authorization of subsidies only through state exchanges to be ignored.

Rep. Chris Stewart, R-Utah, said the justices "have chosen to disregard the harmful impacts of the law on Americans," including Utahns who have told him they've lost their doctors and health care plans while seeing premiums increase.

"While undoubtedly some people have benefitted from the law, its overall impact appears overwhelmingly harmful to the U.S. health care system," Stewart said, adding that he will continue to push his Empowering Patients First Act as a replacement for the law.

Former Utah Gov. Mike Leavitt said that while yet another facet of the law was upheld, controversy over the Affordable Care Act will continue, and Congress will likely also continue to change the law until it gets a chance for repeal in 2017.

Challenges weakened

But Thursday's decision perhaps gave a stronger foundation for the survival of the Affordable Care Act, according to Andy Hessick, a professor of administrative law at the [University of Utah's S.J. Quinney College of Law](#). He said the upholding of the 2010 health law's statutes for a

second time, "probably suggests that further court challenges to Obamacare are not likely to succeed."

"Two good arguments have failed," Hessick said. "It's doubtful they'd take another case."

Had the ruling gone the other way, he said, resulting rising health care costs and premiums would have changed the number of people subject to the health insurance mandate, as individuals are only required to have insurance when the cost of benefits is less than 8 percent of their total income.

"There would probably be more people uninsured, not obliged to buy it under Obamacare," Hessick said.

Democrats in Utah heralded the decision Thursday.

"Tonight, 86,000 Utahns will go to sleep knowing the conservative attempts to take away their health coverage have been thwarted yet again," Utah Democratic Party Chairman Peter Corroon said, adding that Utahns "deserve the right to quality, affordable health care."

[U.S. Health and Human Services](#) Secretary Sylvia Burwell said, "Americans can continue to rely on the security and peace of mind that come with affordable, quality health care coverage," which she said is a product of the Affordable Care Act.

"People's lives have been changed and even saved because they have health insurance — many for the first time," Burwell said. "They have coverage that can keep them healthy and provide quality care when they are sick."

"I don't know anyone who doesn't want to feel productive," Saldivar said. "If you're not healthy, you can't be productive. If everybody was healthy, we'd have a better country." He said that if he didn't receive \$340 a month from the federal government to put toward his health insurance premiums, he'd have to live in his car or find a much cheaper way of life.

"It's been a lifeline. I'm glad it's here," Saldivar said. "Today is a momentous day."

