

What's at Stake for Utah in the King v. Burwell Ruling?

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Sometime this week, or next (or possibly in July) the Supreme Court will rule on King v. Burwell, a case that challenges whether government subsidies to pay for healthcare are constitutional.

The decision could either keep the Affordable Care Act (Obamacare) in place or completely blow the whole system up.

If the court rules for the federal government (Burwell), the ACA would stay as-is. The health insurance marketplaces would continue to operate as they are, and the subsidies would go forward.

If the Court rules for King, then all hell could break loose. If the subsidies are ruled unconstitutional, that's where the uncertainty begins.

"It would be a disaster if these subsidies were to go away," says Jason Stevenson of the Health Policy Project. "People like the subsidies. They enable people to get insurance. The only reason many people have insurance is the subsidies."

It's possible the Court could keep the subsidies in place long enough for Congress to find a legislative fix.

According to the latest numbers available, 67% of Utahns enrolling on healthcare.gov received subsidies. If the subsidies are struck down, a large portion, if not all, of those residents could lose their health insurance.

The decision would also have a huge effect on health insurance for Utahns not on the federal exchanges. Some estimates say premiums could jump 500%. Those projections may be a little

steep, but rates would go up because the risk pools would shrink and become older with more people needing medical care. That means rising costs.

States that run their own exchanges would be unaffected by the court ruling.

The decision could also be a game-changer for Utah's efforts to find a solution to Medicaid expansion. The so-called "group of six" has set a July 31 deadline to come up with a plan. House Speaker Greg Hughes (R-Draper) [says the state can't move forward](#) on negotiating with the federal government until the ruling comes down.

"Washington is in vapor lock," said Hughes in May. "You can't have a conversation with anyone. It's hard to have a policy discussion when everyone is looking at that decision. Once it comes down, we will be able to pick up the pace."

If the ruling keeps the subsidies in place, nothing changes, and Utah can move forward on the Medicaid expansion plan. But, if King prevails, it becomes less likely that Utah will be able to fix the problem.

Stevenson says, in that case; he would expect Utah to wait for the federal government to find a fix before moving forward.

"It's a bit fanciful to think Utah would get ahead of Congress on this issue," he said. "Utah's indecision on the Medicaid debate hasn't proven that our policy makers could make a decision."

There are three decision days left in the Supreme Court term.