



No. 7: Supreme Court justices rule on Affordable Care Act

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Perhaps one of the most controversial yet long-awaited decisions was handed down by the nation's highest court this year when justices upheld the individual mandate of the Patient Protection and Affordable Care Act.

The Affordable Care Act was signed into law March 23, 2010. Shortly after, 13 states sued, challenging its constitutionality. Thirteen later turned into 26 states. However, West Virginia decided not to join the suit.

According to court documents, the act covers several major aspects to reduce the number of uninsured people. The law, which when approved was more than 2,000 pages long, requires all U.S. citizens and legal residents to have qualifying health insurance and requires all businesses with more than 50 employees to provide health insurance.

It also created a health benefit exchange for people with low incomes to buy health insurance and raised the income levels for people to qualify for Medicaid.

In addition, the bill extended coverage for young adults who wanted to continue to be covered under their parent's insurance and eliminated the ability for insurance providers to deny coverage to someone because of a pre-existing condition.

The law also included penalties that would be levied on individuals and businesses that do not comply with the act. The law stipulates that those penalties should begin to go into place in 2014.

The U.S. Court of Appeals for the 11th Circuit, ruled by a 2-1 vote it was unconstitutional to require citizens to buy insurance. However, the 6th Circuit concluded that plaintiffs did not show the individual mandate exceeds Congress' power under the Commerce Clause.

Then came the appeal to the U.S. Supreme Court.

The court first was expected to release its ruling June 21, but it instead issued four other opinions on issues as varied as union contributions to political campaigns and decency standards for broadcasters.

Then many thought the court would release its opinion Jun 25 but once again the court delayed.

Three days later, the high court released its opinion, ruling the mandate is allowed on the grounds that it is a tax. However, the court did strike down a portion of the law that required states to expand Medicaid coverage, leaving it up to the states to decide.

Chief Justice John Roberts sided with four of the court's more liberal members to uphold the provision. Roberts wrote the majority opinion. Voting with the majority were: Roberts, Sonia Sotomayor, Stephen Breyer, Ruth Bader Ginsburg and Elena Kagan. Those who dissented were: Anthony Kennedy, Samuel Alito, Clarence Thomas and Antonin Scalia.

"Nothing in our opinion precludes Congress from offering funds under the ACA to expand the availability of health care, and requiring that states accepting such funds comply with the conditions on their use," Roberts stated on page 55 of the opinion. "What Congress is not free to do is to penalize states that choose not to participate in that new program by taking away their existing Medicaid funding."

This ruling drew mixed reactions from the nation with people either condemning or praising the decision. Some even threatened to repeal the act.

Rep. David McKinley, R-W.Va., was upset about the Supreme Court ruling.

"I am disappointed the Supreme Court upheld a health care plan that clearly goes against our Constitution," McKinley said. "Not only is ObamaCare a bad policy that has increased health care costs, exploded the deficit and hurt small businesses, it is based on dubious Constitutional authority."

Others were pleased with the ruling, however.

At a June 28 news conference, members of the West Virginians for Affordable Health Care applauded the high court's decision, saying it provides a sense of security for all Americans, particularly those who are uninsured.

"The Affordable Care Act provides greater security for American families," said Perry Bryant, executive director of West Virginians for Affordable Health Care. "If you lose your job, you're not going to lose your health insurance. You'll have access to health insurance in the future."

