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- Thursday, Jun. 25, 2015
Wednesday, Jun. 24, 2015
Tuesday, Jun. 23, 2015
Monday, Jun. 22, 2015
Saturday, Jun. 20, 2015

Go to date: [input] Go

Search News: [input] Go

Public Records

- Wednesday, Jun. 24, 2015
Tuesday, Jun. 23, 2015
Monday, Jun. 22, 2015
Friday, Jun. 19, 2015
Thursday, Jun. 18, 2015

Go to date: [input] Go

Search Records: [input] Go

Public Notices

- Thursday, Jun. 25, 2015
Wednesday, Jun. 24, 2015
Tuesday, Jun. 23, 2015
Monday, Jun. 22, 2015
Sunday, Jun. 21, 2015

Go to date: [input] Go

Search Notices: [input] Go

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Home >

VOL. 130 | NO. 123 | Thursday, June 25, 2015

Supreme Court Upholds Nationwide Health Care Law Subsidies

Andy Meek & The Associated Press Updated 12:50PM

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The Supreme Court on Thursday upheld the nationwide tax subsidies under President Barack Obama's health care overhaul...

After word of the ruling came down, Tim Finnell – founder of Group Benefits LLC in Memphis – said it had been closely watched for its impact on subsidies...

It also was one of the final “last stand” possibilities for opponents of the law, who saw it as an opportunity to make pieces of the Affordable Care Act untenable...

The justices said in a 6-3 ruling that the subsidies that 8.7 million people currently receive to make insurance affordable do not depend on where they live...

“It’s a very significant ruling,” Finnell said. “If it had gone the plaintiff’s way, the employer mandate would in effect have been gutted.”

In what would have been a kind of domino effect, the law makes large employers subject to a penalty if their employees need a subsidy to afford the coverage. If the Supreme Court decision had limited the availability of subsidies...

And if there's no penalty, the thinking continued, there's nothing to compel those employers to offer coverage.

The individual mandate also could have been affected. The health care law sets out an affordability requirement for insurance that likely would have been exceeded in states where subsidies wouldn't have been allowed...

“Today’s ruling affirms that it is up to Congress to come together around a responsible solution that provides relief from the damaging effects of the president’s health care law, including policies to provide far greater choice in the marketplace so affordable plans that meet the actual needs of Tennesseans can openly and effectively compete for their business,” U.S. Sen. Bob Corker, R-Tenn., said in a statement about the ruling.

U.S. Rep. Steve Cohen, D-Memphis, said he hopes the ruling “will help the nation to see that the Affordable Care Act is a federal law that is helping Americans stay healthy and alive, and that it is here to stay.”

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The outcome was the second major victory for Obama in politically charged Supreme Court tests of his most significant domestic achievement. And it came the same day the court gave him an unexpected victory by preserving a key tool the administration uses to fight housing bias.

Obama greeted news of the decision by declaring the health care law "is here to stay." He said the law is no longer about politics, but the benefits millions of people are receiving.

Declining to concede, House Speaker John Boehner of Ohio said Republicans, who have voted more than 50 times to undo the law, will "continue our efforts to repeal the law and replace it with patient-centered solutions that meet the needs of seniors, small business owners, and middle-class families."

At the court, Chief Justice John Roberts again voted with his liberal colleagues in support of the law. Roberts also was the key vote to uphold it in 2012. Justice Anthony Kennedy, a dissenter in 2012, was part of the majority on Thursday.

"Congress passed the Affordable Care Act to improve health insurance markets, not to destroy them," Roberts declared in the majority opinion.

Limiting the subsidies only to individuals in states with their own exchanges could well push insurance markets in the other states "into a death spiral," Roberts wrote.

Justice Antonin Scalia, in a dissent he summarized from the bench, strongly disagreed. "We should start calling this law SCOTUScare," he said, using an acronym for the Supreme Court and suggesting his colleagues' ownership by virtue of their twice stepping in to save the law from what he considered worthy challenges.

His comment drew a smile from Roberts, his seatmate and the object of Scalia's ire.

Scalia said that Roberts' 2012 decision that upheld the law and his opinion on Thursday "will publish forever the discouraging truth that the Supreme Court of the United States favors some laws over others, and is prepared to do whatever it takes to uphold and assist its favorites."

Justices Samuel Alito and Clarence Thomas joined the dissent, as they did in 2012.

Nationally, 10.2 million people have signed up for health insurance under the Obama health overhaul. That includes the 8.7 million people who are receiving an average subsidy of \$272 a month to help pay their insurance premiums.

Of those receiving subsidies, 6.4 million were at risk of losing that aid because they live in states that did not set up their own health insurance exchanges.

The health insurance industry breathed a big sigh of relief, and a national organization representing state regulators from both political parties said the court's decision will mean stable markets for consumers.

"This decision allows (state officials) to move forward with a level of confidence that their markets will not see significant disruption due to a paradigm shift," said Ben Nelson, CEO of the National Association of Insurance Commissioners and a former Democratic senator from Nebraska.

Shares of publicly traded hospital operators including HCA Holdings Inc.

