

# Bill Kaplan: GOP health care time bomb

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The Affordable Care Act (ACA) has been a huge success. 11.4 million, including 205,118 Wisconsinites, have gained private insurance coverage. Most receive federal financial assistance to pay insurance premiums and reduce out-of-pocket costs. Another 12 million now have health coverage through Medicaid expansion. But none in Wisconsin because of GOP intransigence. Moreover, the ACA provides strong consumer protections for 52 million, including 852,000 Wisconsinites, from being denied health coverage or charged higher rates for preexisting conditions. Finally, without the ACA, uncompensated health care would increase by \$50.2 billion, including \$412 million in Wisconsin (Urban Institute).

Nonetheless, Trump and the GOP continue to try to roll back the ACA with a sabotage campaign: deep cuts in ACA advertising and outreach; a much shorter enrollment period; elimination of federal payment of out-of-pocket health costs; allowing the sale of useless bare-bones insurance; and eliminating the tax penalty (individual mandate) for not having health coverage. However, it gets worse.

Two defeated run-of-the-mill Wisconsin GOP politicians, former Governor Scott Walker and Attorney General Brad Schimel, orchestrated a federal lawsuit to have the ACA declared unconstitutional. A ticking health care time bomb. After they lost reelection, a federal Texas judge struck down the ACA in December 2018. The Trump administration had declined to defend the ACA, while calling for the court to eliminate all ACA protections for preexisting health conditions.

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Suddenly, in March 2019, the Trump administration called on the Fifth Circuit Court of Appeals to declare the entire ACA unconstitutional. The American Hospital Association said: “The position is unprecedented and unsupported by the law or the facts. Millions of Americans would lose the coverage they have relied on for years. ... Medicaid expansion would be reversed and protections for people with chronic and preexisting conditions would cease to exist.” Wisconsin Democratic Senator Tammy Baldwin said: “Here is the Republicans’ plan for your health care: ... Trump and Attorney General Barr are working to win a lawsuit that would repeal health insurance (and consumer protections) for millions ... .”

In April 2019, Wisconsin Democratic Governor Tony Evers withdrew Wisconsin from the lawsuit. However, Trump and other GOP-led states have continued to support the lawsuit in the federal appeals court, while Democratic-led states and GOP Attorneys General Timothy Fox of Montana and David Yost of Ohio defended the ACA. Fox and Yost said: “Let justice be done, though the heavens may fall. But the District Court’s ruling is wrong, and its errors threaten harm to millions ... .” Wisconsin congressional Democrats have denounced the GOP lawsuit, while Wisconsin congressional Republicans have refused to defend the ACA.

Make no mistake: the Trump-GOP lawsuit is a ticking time bomb. Health care-legal expert Timothy Jost said: “There seems to be a real possibility ... that the Fifth Circuit may affirm the lower court’s judgment (ACA is unconstitutional). It will then again be up to the Supreme Court to sort things out. ... (This) will likely become a major issue in the 2020 election.”

Wisconsin Republicans brought us to this man-made disaster.

*-Kaplan wrote a guest column from Washington, D.C. for the Wisconsin State Journal from 1995 - 2009.*