



Written by [Joe Wolverton, II, J.D.](#) on March 29, 2010

On Safari in the Healthcare Jungle

There are many frightening aspects of the new healthcare law hidden around every corner of its legislative labyrinth, camouflaged behind dense impenetrable briars of legalese. But, like the purloined letter of literature, there plenty of the law's detestable provisions hiding in plain sight.

Any document that runs over 2,000 pages (unless it is a young adult book about angst-ridden vampires) discourages even the most cursory of readings. Even skimming such a tome would likely precipitate carpal tunnel syndrome. The Patient Protection and Affordable Care Act signed into law last week by President Obama is no exception.



As House Minority Leader John Boehner (R-Ohio) asked impassionately (and given the audience, rhetorically) from the floor of the House just prior to the vote on the measure, "Have you read the bill? Have you read the reconciliation bill? Have you read the manager's assessment?" he asked. "Hell no, you haven't!"

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Well, Congressman Boehner, I have read the bill and apart from impaired vision and a sense of loss for irretrievable hours of my life, I have discovered a few particular pernicious provisions that I believe deserve special attention.

First, despite repeated promises to protect the middle class from any species of tax increase, President Obama's prize piece of legislation does just that. According to analysts at the American Enterprise Institute, the law as enacted makes healthcare more expensive for the middle class by forcing every American to purchase a qualifying healthcare insurance policy. These policies will not come cheap and families earning more than \$88,000 a year will not benefit from the vaunted subsidies proffered to facilitate the enrollment in a plan.

As a matter of fact, a family earning in excess of \$100,000 will forcibly spend over 20 percent of its net income on compliance with healthcare mandates.

Second, all of those Americans fortunate enough to have saved any money despite the numerous insuperable governmental impediments, will see that wealth diminished through the new law's increased charges for healthcare insurance policy premiums. The Congressional Budget Office's review of the cost of the act reports that healthcare premiums for those purchasing coverage within the private insurance marketplace will increase by anywhere from 10 to 13 percent in the next five or six years.

While 57 percent of Americans will receive subsidies to ameliorate the sting of being forced to purchase an insurance policy, that leaves 43 percent of Americans who will not qualify for the assistance and will be compelled to pay full price for a qualifying plan.

Third, notwithstanding the exaggerated claims made by proponents of the law regarding the potential



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increase in employment spurred by the implementation of the legislation, a recent study by an affiliate of Suffolk University in Boston found that small and large businesses burdened financially by compliance with new mandates will reluctantly lay off anywhere from 120,000 to 700,000 jobs over the next decade. Similarly, the Heritage Foundation reckons that nearly 700,000 jobs per year will be lost during the life of the new healthcare law.

Next, as reported in by *The New American*, the law is pocked with gaping loopholes through which federal funding of abortion may pass unchecked. Regardless of the President's executive order reiterating the national government's proscription against the use of federal monies in the funding of abortion services, any student in seventh grade civics class knows that Congress could trump an executive order through a new bill.

Fifth, owing to the penalties assessed to insurance companies offering benefit rich plans (the so-called Cadillac Tax), many employers will no longer offer medical plan benefit packages rather than be subject to the increased fees insurance providers are likely to try to pass on to their institutional consumers. Again, according to data provided by the CBO, 4 million people will lose employer-funded healthcare and be forced to recur to the government-administered health insurance exchange for a qualifying policy.

Sixth, the bill includes billions of dollars of cuts to the Medicare program, formerly only available to the elderly, shoving senior citizens out of the private marketplace and into the exchange managed by the federal government.

Seventh, no aspect of the law was more touted by the president and his congressional water carriers than the enormous budget reduction accomplished by the act. This trumpeted parsimony is only possible because nearly \$208 billion that should be used to reimburse doctors for the services they provide to Medicare patients will now not be paid. That is, until the various medical care lobbyists get a hold of legislators and lean on them to enact additional legislation restoring that funding. If and when that law passes, the new law's surplus becomes a \$59 billion deficit over the next decade.

The eighth disturbing provision of the law I came across was the ironic shifting of the healthcare costs to the states (despite simultaneously depriving them of their sovereignty). Under the bill, anyone earning up to 133 percent of the federal poverty level will qualify for Medicaid, formerly only available to the elderly. By 2020, the bill demands that 10 percent of this new burden be paid by the state governments.

The penultimate provision is the portentous revolt by doctors to the increased compliance requirements set forth in the new law. According to responses to a survey of doctors, 46 percent said they would "quit or retire" if the healthcare bill became a law. I imagine there was a marked increase in the booking of cruises on the day after the bill was signed into law. The loss of just one good doctor can have fatal effects on the health of individual Americans.

Finally, the tenth and perhaps most untenable part of the healthcare law is the increase taxes payable by middle class families. The cost of insurance plans costing more than \$10,200 for individuals or \$27,500 for families will balloon as the 40-percent excise tax is imposed on insureds.

Businesses will feel the bite, as well, as employee paychecks will undoubtedly be reduced as mandatory Medicare withholding taxes are increased and a 3.8 percent tax on unearned income is assessed on Americans earning more than \$200,000. Companies will pass along these new charges to consumers and employees in an effort to offset the enervating roster of increased fees.



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All the foregoing elements of the new healthcare law combine to crush the wealth and health of Americans. There is hope sweeping through the nation, however, as several state attorneys general and over 30 state assemblies seek to reassert the natural sovereignty of the states by passing legislation refusing to implement the unconstitutional mandates extant in the act.

Since the signing ceremony, President Obama and his allies have consistently mocked this movement and they underestimate the firmness of the states' resolve to maintain (or regain) their sovereignty. If they persist in this tack, perhaps the one or more of the obstinate states will successfully oppose the unconstitutional accumulation of power and willful disregard of the Tenth Amendment and their sister states will smell blood in the water and attack the federal government's assault on the timeless principle of federalism upon which the Constitution was founded.

Photo: President Obama signs the "Patient Protection and Affordable Care Act ": AP Images

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