



Written by [Raven Clabough](#) on July 10, 2012

Texas Refuses to Implement ObamaCare

Texas Governor Rick Perry has joined the ranks of other GOP governors eager to assert the sovereignty of their states by nullifying the ObamaCare law. Perry announced on Monday that the Lone Star State will not be expanding the Medicaid program or creating the necessary healthcare exchange to implement the president's signature legislation. As [noted](#) by *Reuters*, "The announcement makes Texas the most populous state that has rejected the provisions."



Texas was one of the 26 states that challenged the healthcare law in 2010. But in light of the Supreme Court's recent ruling the individual mandate — which is central to ObamaCare — is constitutional, Texas is taking advantage of the Supreme Court's assertion that the federal government cannot take away Medicaid dollars from states that refuse to comply with the expansion of Medicaid.

Governor Perry sent a letter to Health and Human Services Secretary Kathleen Sebelius asking her to inform the Obama administration that Texas opposes the provisions "because both represent brazen intrusions into the sovereignty of our state."

Sebelius spokesman Keith Maley said the department "will continue to work with states to ensure they have the flexibility and resources they need to implement" the law.

But Perry is adamant. In a statement, he declared:

I will not be party to socializing healthcare and bankrupting my state in direct contradiction to our Constitution and our founding principles of limited government.

I stand proudly with the growing chorus of governors who reject the Obamacare power grab. Neither a "state" exchange nor the expansion of Medicaid under this program would result in better "patient protection" or in more "affordable care." They would only make Texas a mere appendage of the federal government when it comes to health care.

Governor Perry seems to be adhering to the directive issued by Senator Jim DeMint (R-S.C.) following the healthcare Supreme Court ruling. In a press release, DeMint encouraged states to nullify the healthcare law by refusing to implement it:

This government takeover of health care remains as destructive, unsustainable, and unconstitutional as it was the day it was passed, unread, by a since-fired congressional majority. Now as then, our first step toward real health care reform and economic renewal remains Obamacare's full repeal, down to the last letter and punctuation mark.

I urge every governor to stop implementing the health care exchanges that would help implement the harmful effects of this misguided law. Americans have loudly rejected this federal takeover of health care, and governors should join with the people and reject its implementation.

In a similar expression of opposition, Governor Bobby Jindal (R-La.) has already declared that he will



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not establish a healthcare exchange in his state. "We're not going to start implementing Obamacare," Jindal said during a conference call with Gov. Bob McDonnell (R-Va.). "We're committed to working to elect Governor Romney to repeal Obamacare."

"Here in Louisiana we have not applied for the grants, we have not accepted many of these dollars, we're not implementing the exchanges," Jindal said. "We don't think it makes any sense to implement Obamacare in Louisiana. We're going to do what we can to fight it."

The governors of Florida, South Carolina, Wisconsin, and Mississippi have made similar announcements.

According to Perry, the Medicaid program is a failure, and to expand it per the healthcare law would be a disaster:

"To expand this program is like adding a thousand people to the Titanic. You don't expand a program that is not working already. If the federal government were serious about finding solutions, what they would do is block-grant those dollars back to the states, so states could find more efficient ways to deliver healthcare."

Meanwhile, Congress is looking to tackle ObamaCare on the legislative front. The House of Representatives is preparing for another [vote](#) to repeal ObamaCare, while Senate Republicans are [examining](#) a variety of budget tactics to defund it.

Politico [notes](#) that there are a number of ways that ObamaCare can be defeated without being repealed, in addition to defunding it. The first method involves the federal exchanges. *Politico* explains:

A quirk in the language of the law — which the law's supporters call a "drafting error" — could allow Romney to make it basically impossible for federally run exchanges to function. That's because the law doesn't explicitly give federal exchanges the ability to provide the same insurance subsidies that it will give to state-run exchanges.

Likewise, a new administration could simply rewrite any of the rules "that aren't finalized." As observed by *Politico*, "Many people close to the Obama administration expect that at least one major health reform rule won't be proposed until after the November election — which means there won't be time to finalize before a change in administration."

If a Republican were to defeat Obama in November, whomever that person appointed as the HHS Secretary could virtually allow the states and employers to get away with not enforcing provisions of the law, observes *Politico*.

And finally, a Republican president could defeat ObamaCare by "doing nothing," writes *Politico*:

He could stop the writing of the remaining rules to implement the law, stop Medicare from moving ahead with programs to find new ways to pay providers, stop the IRS from enforcing the individual mandate and even stop Medicaid officials from facilitating the expansion of the program in the states that want it.

Such a solution could have the potential to create legal ramifications for a Republican administration, however, since laws require a president to spend money to implement a law that has already been passed.

Meanwhile, National Association of Insurance Commissioners consumer representative Tim Jost believes that those best equipped to destroy ObamaCare are the voters. "I'm just assuming that if



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Obama isn't reelected, the law will stay on the books but nothing really happens," he said.

Photo: In this June 7, 2012 photo, Texas Gov. Rick Perry speaks during the Texas Republican Convention in Fort Worth: AP Images



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