



Written by [Joe Wolverton, II, J.D.](#) on March 25, 2013

## Obama Admin. Ignores Nullification: Federal Agents Will Enforce ObamaCare

President Obama will not wait on states to enforce ObamaCare. The Obama administration has announced its intent to disregard state laws and state constitutional amendments prohibiting the enforcement of ObamaCare. Federal agents from the Department of Health and Human Services will assume absolute control over states' health insurance industry and regulation in states that refuse to comply with the federal healthcare mandates.



In an exclusive telephone interview with *The New American*, Oklahoma Insurance Commissioner John Doak reported that his office has received a letter from Center for Consumer Information and Insurance Oversight (CCIIO) Deputy Administrator and Director Gary Cohen informing him that the federal government will impose ObamaCare regulations on insurance companies in Oklahoma. The CCIIO is part of the Centers for Medicare and Medicaid Services (CMS).

According to [a story in Politico](#), Doak's colleagues in Missouri, Wyoming, and Texas have received these notifications, as well.

In a press release issue by his office after receiving Cohen's letter, Doak writes that the "Oklahoma Insurance Department will not be participating in a collaborative effort with the Center for Consumer Information and Insurance Oversight (CCIIO) to enforce the Affordable Care Act (ACA)."

Doak's statement continues:

The Oklahoma Insurance Department regulates the health insurance policies sold in the state and responds to consumer questions and complaints. Our consumer assistance team receives over 30,000 phone calls and our website receives over 1,000,000 visits each year. We will continue to serve these consumers by adhering to our duties under the State Constitution and Statutes. The consumers are the ones who are going to bear the costs of these unnecessary federal regulatory burdens.

In addition to adding new fees to health insurance products that will increase prices both inside and outside the exchange, the ACA requires plans to add expensive and often unnecessary coverage benefits. These costs will impact young adults most severely due to the law's requirement that older Americans pay no more than three times the premium of young adults. A survey of insurers by the American Action Forum found that average premiums for young, healthy adults may triple going into 2014.

"This is yet another example of continued overreach of the federal government on states' rights," Doak told *The New American*, when asked about the conflict. "This is the first shot over the bow of states" which have chosen not to enforce ObamaCare's myriad mandates, he added.

Apart from the assault on state sovereignty, the CMS announcement will be financially devastating, as



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well.

*Tulsa World* reports that “health insurance companies doing business in Oklahoma are receiving letters from Cohen telling them that enforcement of the law’s requirements will be handled by the federal agency.”

The way the system will work, apparently, is that any health insurance plan purchased through an ObamaCare healthcare exchange will be regulated and managed by a federal official (known in the language of ObamaCare as a “navigator”). Plans sold through other companies, however, will continue to be under the purview of Doak and his office.

Insurance companies that provide plans through the ObamaCare exchange and outside of the government program will be subject to two radically different regulatory schemes: one created and enforced by Washington, D.C., and one administered out of Oklahoma City.

Doak warns that this duplicate regulatory scheme — state and federal — will result in increased costs for the consumer.

“Oklahomans should be alarmed,” he said.

If Oklahomans are ultimately subjected to the deprivations of ObamaCare, it will be at the hand of federal agents, as Doak says there is no enacting legislation empowering his office to enforce federal law in Oklahoma.

This situation will undoubtedly result in what Doak calls “lawsuits in many forms and fashions.” He says his department will look to Oklahoma state Attorney General Scott Pruitt to defend the Oklahoma constitution against challenges filed by the federal government.

The Obama administration has been trying for some time now to ignore the will of the people of Oklahoma and the Oklahoma constitution’s prohibition against enforcement of ObamaCare.

For example, documents provided to *The New American* include a letter from the federal Department of Health and Human Services inquiring as to why Oklahoma had yet to make the requisite steps toward implementing ObamaCare.

When it was informed that Oklahoma would not — in fact, legally could not — comply with ObamaCare mandates, HHS was not deterred, proposing instead the establishment of a “collaborative enforcement arrangement.” This deal would permit the feds to force ObamaCare on Oklahomans while allowing the Oklahoma Insurance Department (OID) to ostensibly keep its hands clean.

As if that weren’t insulting enough, included in the cache of documents provided to *The New American* was the letter mentioned above that was sent to Oklahoma insurance companies from HHS informing them that since Oklahoma cannot or will not enforce the Affordable Care Act (ObamaCare), this responsibility has been assumed by CMS.

Furthermore, as part of its oversight, CMS demands in the letter that insurance companies “submit all group and individual health insurance policy forms, certificates, riders, endorsements, and amendments, as well as any other requested material pertinent to the market reforms of the Affordable Care Act to CMS for review.”

Then, lest insurance companies in Oklahoma doubt who’s in charge of healthcare in the Sooner State, the letter declares that “a filing with the Oklahoma Insurance Department does not constitute a filing with CMS for these purposes.”



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These letters reveal that is nothing more or less than an end run by the Obama administration around the sovereignty of Oklahoma (and presumably other states) and usurpation of power in defiance of the state constitution, the will of the people, and the laws passed by their elected representatives in the state legislature.

Doak promises to continue faithfully and fearlessly carrying out his duty to enforce the laws of Oklahoma, even if that means taking on the behemoth that is the federal ObamaCare bureaucracy.

“We must continue to fight for what’s right,” Doak said.

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