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AFFORDABLE CARE ACT

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Obamacare Legal: Alabama may have to backtrack now

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In a 5 to 4 decision the U. S. Supreme Court (SCOTUS) upheld the entire ACA (Obamacare) with the exception that the federal government's power to terminate states' Medicaid funds is narrowly read. Chief Justice Roberts voted to uphold the majority of the ACA according to the [SCOTUS blog](#) on June 28, 2012.

The Commerce Clause that Alabama Republicans who were part of the suit against the ACA were depending on to defeat the ACA was narrowly read as being a tax that Congress can impose on persons that opt not to acquire health insurance.

Former Governor [Bob Riley](#) and Governor [Robert Bentley](#) have used the Affordable Healthcare Act (ACA) to put the cost of increasing health care in Alabama on to Medicare and Medicaid and the Federal Government. The aim of these moves has been the balancing of an increasingly deficit ridden budget.

Most recently Bentley okayed the transfer of [ALL-Kids](#), the state's often praised subsidized health insurance program for children, to Medicaid in order to reduce projected costs of \$50 million for the program. The ALL-Kids program actually covered children's health care to families at 300 percent of poverty and below which is more than twice what Obamacare would cover.

The SCOTUS decision could also impact a decision that closed three of Alabama's four [largest psychiatric hospitals](#). The closings are expected to provide an extra \$30 million in state funding - and up to twice as many federal dollars - to boost community mental health services to take their place according to the head of the Alabama Department of Mental Health.

Alabama will indeed have to scurry to create a [health care exchange](#) - a required marketplace for people to purchase insurance - since the ACA is upheld. The U. S. Department of Health and Human Services has set a November 16, 2012, deadline for states to submit exchange blueprints. Governor Bentley does assert that the needed work has been planned in case Obamacare is upheld.

Winners are Obama and his presidential bid in 2012 and the poor maybe. Losers are Republicans and [Blue Cross/Blue Shield of Alabama](#) (BC/BS). BC/BS will have to allow competition in a state where they have had a monopoly for decades.

The entire decision can be read [here](#).