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Federal Health Care Reform Bills Seek Universal Coverage

by Michele DeShazo



Health care reform has been a hot-button political issue in America for the last twenty years, perhaps as a result of the infamous series of "Harry and Louise" television commercials which ran in 1993 and 1994 featuring a fictionalized suburban couple sitting around a kitchen table discussing a potential government-created, universal health care plan promoted by President Bill Clinton. Many pundits believe that these commercials played a major role in torpedoing President Clinton's plan. Since these commercials, friends and foes of universal health care coverage have mobilized, forming political action groups (PACs) and funneling money to political campaigns in an attempt to influence the terms of the debate.

Therefore, it was no surprise when health care reform emerged as a major issue in the presidential campaign of 2008 between Senator John McCain (R-AZ) and now President Barack Obama. Senator McCain touted health

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savings accounts and tax credits for individuals purchasing health insurance on the private market to reduce the cost of health care. In contrast, during the campaign, President Obama favored widespread reform focused on requiring all Americans to obtain health insurance.

Declaring health care reform as one of his main first-term legislative goals, President Obama asked the United States Senate and House of Representatives to draft and pass a bill before the end of the year overhauling the \$2.5 trillion health care industry. Responding to President Obama's request, on October 29, 2009, Rep. John Dingell (D-MI) introduced H.R. 3962, known as the "Affordable Health Care for America Act." H.R. 3962 requires all Americans to carry health insurance, either through an employer, a government plan or by purchasing it on their own. It would also require employers to provide coverage to employees. The non-partisan Congressional Budget Office estimates the cost of the House bill to be more than \$1 trillion.

H.R. 3962 passed narrowly on November 7, 2009 by a vote of 220-215, with only one Republican, Rep. Joe Cao of Louisiana, voting in favor of the bill. By a margin of 60-39, the Senate voted on November 21, 2009 to move forward with debate on their version of the health care bill. No Senate Republican voted in favor of allowing debate. The Senate bill is less expensive than the bill passed in the House. Like the House bill, the Senate measure would require all Americans to buy insurance and would also set up exchanges where they could choose among various options. The Senate bill includes a government-run insurance option that lets states choose whether to participate, and would prevent the denial of coverage to individuals with pre-existing conditions.

Commercials in favor of and opposed to the bills have saturated television over the last several months. While the health insurance industry is largely opposed to the Senate and House bills, some groups, like the American Medical Association and the American Academy of Family Physicians, have not yet announced their official

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positions. The American Association of Retired People has already come out in favor of both the House and Senate proposals.

In the Senate, moderate Senators Ben Nelson (D-NE), Blanche Lincoln (D-AK), Mary Landrieu (D-LA), and Olympia Snowe (R-ME) will likely be the deciding votes on the health care bill. Senator Reid indicated that he expects to have a bill passed in the Senate by Christmas. Should that occur, then a two-house conference committee would assemble to merge the bills approved by the House and Senate into a final plan.

Based on the makeup of the Senate and House, it appears that some type of health care reform will be signed into law by President Obama in 2010. The amount of compromise that will be necessary to secure passage of the bill, however, remains to be seen.

Michele Hale DeShazo is an attorney with the New Orleans office of the law firm, Kuchler Polk Schell Weiner & Richeson, L.L.C. Michele's practice is almost completely devoted to litigation, centering upon the areas of products liability, environmental, and hearing loss. Michele is currently the leader of the Federal Legislative Pilot program for the Young Lawyers Legislative Liaison Subcommittee.

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