A major challenge to the Affordable Care Act (ACA) is before the Supreme Court, which is expected to make a decision in the King v. Burwell case by the end of its term in June 2015. The case concerns the legality of health insurance tax credits offered through a federally run health insurance marketplace, as opposed to a marketplace established by an individual state.

Currently, the federal government is operating insurance marketplaces in more than 30 states, and as of February 2015, 7.5 million people receive premium subsidies in states with a federally-run marketplace.1 A ruling for the King petitioners could mean that individuals will no longer be able to receive subsidies to purchase health insurance through the federal marketplace, depending on action by Congress or individual states. This Alliance for Health Reform toolkit summarizes key resources that provide legal, policy, and political analyses on the King v. Burwell case and its implications.

Suggested Reading

General Background

King v. Burwell: The Facts and Implications
This Alliance for Health Reform briefing covered key background information on the King v. Burwell case, including legal arguments and implications for consumers, states and the federal government.

What’s At Stake When the Supreme Court Rules on Health Plan Subsidies
This article provides general background information on the King v. Burwell case via a set of frequently asked questions.

The Implications of a Supreme Court Finding for the Plaintiff in King vs. Burwell: 8.2 Million More Uninsured and 35% Higher Premiums
This brief analyzes the possible direct and indirect effects of eliminating tax subsidies and cost-sharing reductions. The findings focus on the states with federally facilitated marketplaces. In broad terms, it notes that the effects would be a decrease in affordability and insurance coverage and an increase in non-group health insurance premiums.

New Analysis Details Impact on Residents in Different States If the U.S. Supreme Court Rules for Challengers in King v. Burwell
This analysis and interactive map uses 2015 enrollment data to break down how residents in the 34 states without state-based exchanges would fare, if the Supreme Court sides with challengers.

The King v. Burwell Case: Resources
This series of four blog posts addresses implications of a decision for the King plaintiffs for consumers, insurers, health care providers, and states.
Legal Analysis
This issue brief provides background on the issue, examines the major questions raised by the King case, explains the parties’ legal arguments, and considers the potential effects of a Supreme Court decision.

How States’ Rights Shapes King v. Burwell
Gluck, A. R., Politico. March 5, 2015. Available at: http://goo.gl/RdSOrA
The author, who also authored an amicus brief in the case at hand, explains how the meaning of federalism doctrines and the clarity of statutory language at the time of enactment of a law comes into play. In addition, Ms. Gluck provides some insight into the possible outcome of the case, based on the Justices’ questions and comments during oral arguments.

King v. Burwell: Unpacking The Supreme Court Oral Arguments
Jost, T., Health Affairs. March 5, 2015. Available at: http://goo.gl/MvY70E
This blog reviews the arguments made during the Supreme Court oral arguments for the case on March 4, 2015.

There Is No ‘Glitch’ in Obamacare
This article analyzes different points of view on how the language regarding the exchanges is used in the ACA. It compares and contrasts conservative and liberal perspectives and how various justices might rule based on their known opinions.

Policy Options
Testimony: Congress, Here’s How to Prepare for King v. Burwell
Mr. Cannon states his position in support of the plaintiffs in King v. Burwell. His testimony before the U.S. Senate Committee on Small Business and Entrepreneurship asserts that the IRS ruling on tax subsidies that has been in effect since implementation of the ACA is in violation of its authority under the ACA.

GOP Open to Extending ObamaCare Subsidies
This article reports that Republicans are looking at legislative options to extend the subsidies should the Court rule in favor of King. The reporter notes that an extension could be accompanied by provisions repealing the individual and employer mandates.

Media Coverage and Public Opinion
King v. Burwell and Media Coverage
Based on a Kaiser Health Policy News Index, this article reports that a majority of Americans have not been following the King v. Burwell case. It explains that the news media will have to provide background on the issues in the case when it reports the results.

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Websites

Alliance for Health Reform
www.allhealth.org

American Enterprise Institute
www.aei.org

Brookings Institution
www.brookings.edu

Centers for Medicare & Medicaid (CMS)
www.cms.gov

Consumers Union
www.consumersunion.org

Enroll America
www.enrollamerica.org

Families USA
www.familiesusa.org

Georgetown University Center on Health Insurance Reforms
www.chir.georgetown.edu

Galen Institute
http://www.galen.org

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www.healthreformgps.org

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Kaiser Family Foundation
www.kff.org;

Health Insurance Marketplace Calculator
www.kff.org/interactive/subsidy-calculator

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www.nashp.org

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www_naic.org

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www.nga.org

Robert Wood Johnson Foundation
www.rwjf.org

The Advisory Board
www.advisory.com

The Commonwealth Fund
www.commonwealthfund.org

Urban Institute
www.urban.org

Endnotes