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Director of Programs, National Economic and Social Rights Initiative

A New Solution for Universal Health Care: Beyond the Supreme Court Ruling on Health Reform

Posted: 06/25/2012 12:44 pm EDT | Updated: 08/25/2012 5:12 am EDT

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We now have an opportunity to bring *health* back into *health* reform, no matter how the Supreme Court rules on the Affordable Care Act. Ever since health reformers

opted to put lobbyists before people, partisan brawls over "Obamacare" and "Hillarycare" have dominated public debates. In dragging federal health reform before the Supreme Court, however, conservatives not only succeeded in shining a critical

spotlight on this flawed law. Inadvertently, they have also given us another chance for envisioning a health care system that actually meets our health needs.

Fortunately, we don't have to look far to find a more people-centered model for addressing the country's ongoing health care crisis. Under the insurance industry's radar, a grassroots movement for the human right to health care (<http://newpol.org/node/545>) prompted the state of Vermont to pass the country's first law (<http://www.leg.state.vt.us/docs/2012/Acts/ACT048.pdf>) for universal, publicly financed health care. Almost a year ago today, Governor Shumlin signed into effect a roadmap for creating a single-payer style system, called Green Mountain Care, by 2017. Unlike the Affordable Care Act (ACA), which has no qualms about excluding (http://www.nesri.org/sites/default/files/OA_presentation_3-31-10.pdf) millions of people from access to coverage and care, Green Mountain Care will guarantee universal access for all residents. And unlike the ACA, which mandates the purchase of private coverage sold to line the pockets of insurance companies, Green Mountain

Care will provide health care as a public good for all, financed through equitable, tax-based contributions.

Insurance companies are starting to take notice, but so are champions of universal health care. A growing number of public figures, including Cornel West, Noam Chomsky and Paul Farmer, have declared their support for the effort in Vermont and are beginning to spread the word about how [Vermont can lead the way](http://www.workerscenter.org/vermontcanleadtheway) (<http://www.workerscenter.org/vermontcanleadtheway>).

Vermont's pioneering plan deserves national attention at a time when the shortcomings of market-based health reform, led by special interests, are becoming increasingly obvious. Even if the ACA survives its legal challenge, it will hardly emerge unscathed from this process. Its vulnerability arises from the very design originally conceived to make it palatable to conservatives: [The ACA treats health care as a market commodity](http://www.nesri.org/sites/default/files/Statement_on_Health_Reform.pdf) (http://www.nesri.org/sites/default/files/Statement_on_Health_Reform.pdf), not as a human right and public good. It entrenches the for-profit insurance market by herding "customers" endowed with public subsidies into the suffocating embrace of an industry whose business model is dependent on limiting access to care.

It is no small irony that the ACA's constitutionality would not be questioned if reformers had heeded the demands of human rights advocates and established a federal tax-funded, universal public program modeled after Medicare. It is the treatment of people as consumers of market-based coverage that has led to the ACA's legal fragility.

During the Supreme Court hearing in March, a number of justices, along with a lawyer for the plaintiffs, [pointed to a tax-funded, public health care system](http://www.nesri.org/news/2012/03/supreme-court-arguments-favor-tax-funded-public-health-care-system) (<http://www.nesri.org/news/2012/03/supreme-court-arguments-favor-tax-funded-public-health-care-system>) as a more appropriate alternative to market-based reform. The justices [questioned](http://www.supremecourt.gov/oral_arguments/argument_transcripts/11-398-Tuesday.pdf) (http://www.supremecourt.gov/oral_arguments/argument_transcripts/11-398-Tuesday.pdf) why the Obama administration hadn't used the "correct power" and simply raised taxes to establish a national health service or single payer system. Justice Roberts pointed to the government's role in providing fire, police and emergency services, and wondered why health care was treated differently.

The justices' questions should be taken seriously, no matter how the Court decides. There is a simple solution to ensure the right to health care for all and improve people's health, and it does not involve another industry bailout. While it is regrettable that sizable funding props up the entrenched contest for defeating or defending the ACA, there is no need to wait for the federal government to get it right. It is in the hands of states to follow Vermont's lead and act now.

A vision for change that puts people's needs and rights first rarely emerges from elected leaders distracted by campaign contributions and poll numbers. It took [a people's movement for human rights](http://www.nesri.org/sites/default/files/VT_breakthrough.pdf) (http://www.nesri.org/sites/default/files/VT_breakthrough.pdf) to move Vermont's governor and legislators, and it will require similar efforts across the country to [spread the lessons from Vermont](http://inthesetimes.com/article/12122/help_wanted_lessons_from_the_single_payer_state) (http://inthesetimes.com/article/12122/help_wanted_lessons_from_the_single_payer_state). A number of initiatives are already underway. After years of traditional single payer advocacy, activists in Oregon, Maryland and Maine are beginning to build a grassroots movement that unites people from all walks of life, inspired by [Vermont's Healthcare Is a Human Right Campaign](http://www.nesri.org/programs/vermonts-healthcare-is-a-human-right-campaign) (<http://www.nesri.org/programs/vermonts-healthcare-is-a-human-right-campaign>). Their dedication deserves support -- more so than the party politics surrounding federal health reform. In the best case scenario, the Supreme Court challenge of the ACA will motivate states to follow Vermont and make health care [a public good](http://www.youtube.com/watch?v=IDJuJ51khXM&list=UUwTpr7f8WlPeVsGuvMGfxkO&index=8&feature=plcp) (<http://www.youtube.com/watch?v=IDJuJ51khXM&list=UUwTpr7f8WlPeVsGuvMGfxkO&index=8&feature=plcp>) for all.



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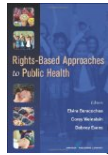
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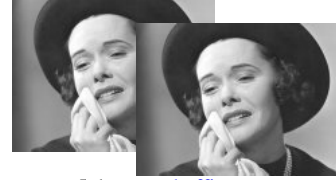
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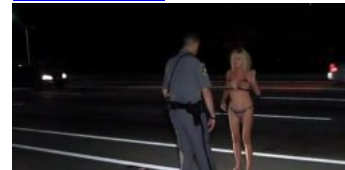
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