



Health Care: How We Win

Dean Clancy
FreedomWorks

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Lame Duck (December) 2012

1. HIT DEBT CEILING

2. AUTOMATIC SPENDING CUTS

Sequester	\$100 billion
Medicare "doc fix"	\$20 billion

3. AUTOMATIC TAX HIKES

Income tax rates	\$165 billion
Payroll tax	\$125 billion
AMT patch	\$120 billion
Tax extenders	\$60 billion
ObamaCare taxes	\$20 billion



ObamaCare: Fighting on 4 fronts

1. Public opinion
2. Supreme Court
3. Congress
4. States



Public Opposition Solid

Budgetary cost

CBO 2010 +\$200 billion

CBO 2012 +\$0 billion

- CLASS -\$90 B

- Subsidies -\$110 B



Employer dumping

CBO 2010 6 million dumped

CBO 2012 20 million dumped



Supreme Court scenarios

"Good" for Obama:

Likelihood

- | | |
|---------------------------|----|
| a) Uphold entire law | 5% |
| b) Strike mandate + GI+CR | 5% |

Good for America:

- | | |
|----------------------|-----|
| c) Strike mandate | 30% |
| d) Strike entire law | 60% |



Supreme Court Justices

Ginsburg

Breyer

Sotomayor

Kagan

Kennedy

Roberts

Alito

Scalia

Thomas



Mandate constitutional?

Thomas Commerce power too broad

Scalia Necessary but not proper?

Alito What's limiting principle?

Roberts Limiting principle (cell phones)?

Kennedy Judicial restraint (strike all?)



Mandate unduly burdens liberty

*FreedomWorks & HSA Coalition**:

Mandate is unconstitutional "as applied"

- Eliminates affordable options
- "Unjustifiable loss of individual liberty"

* HSA Coalition & FreedomWorks [legal brief](#), HHS v. Fla. (Feb. 2012)



Left's mandate fallbacks

Options:

- a. Payroll tax
- b. Late penalty
- c. Opt-out
- d. Auto-enrollment



Coverage impacts in 2019

Mandate	32 million people
Auto-enrollment	→ 24 million people
Late penalty	12 million people
No mandate	8 million people



Health Care Do's & Don'ts

DON'T

- Focus on coverage
- Accept mandates or fallbacks

DO

- Focus on costs
- Preserve individual insurance & HSAs
- Preserve employer-based system (bulwark)



Patient-centered reforms

FEDERAL

100% tax deductibility

HSAs

EMTALA

State lines

AHPs

Medicare

Medicaid

STATE

Med-mal

High-risk pools



Four great bills

HEALTH CARE

- Patient OPTION Act (Broun, [H.R.4224](#))

MEDICAID

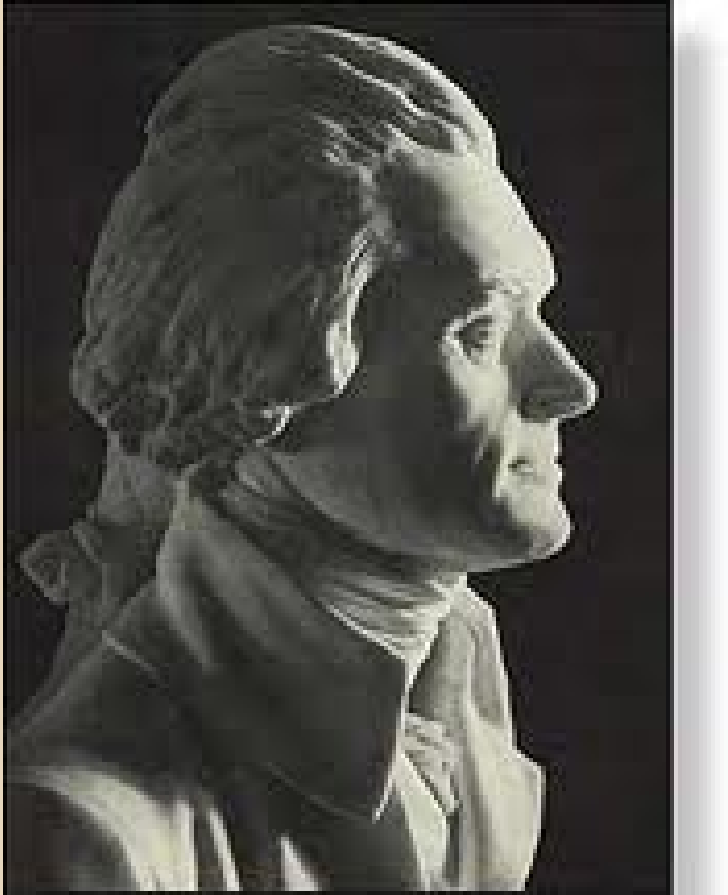
- State Health Flexibility Act (Rokita, [H.R.4160](#))

MEDICARE

- Congressional HC for Seniors Act (Paul, [S.2196](#))
- Retirement Freedom Act (DeMint, [S.1317](#))



States



State Exchange "Nullification"

Florida
Louisiana
Kansas
Oklahoma
Wisconsin



Experts & resources

Short link

<http://bit.ly/I86fbd>

Full link

<http://www.freedomworks.org/blog/dean-clancy/health-policy-experts>



Contact

Dean Clancy

FreedomWorks

Email: dfclancy@gmail.com

Phone: 202-596-1787

Website: freedomworks.org

V-card: deanclancy.tel