

Will the Political Power Shift Put the Brakes on Obamacare?

By James Edwards, DC

Right after the 2008 election, I predicted that Barack Obama's victory could bode well for the chiropractic profession. That's because his proposed health care reform plan was modeled after the Federal Employees Health Care Plan. [For more information, see "News Flash: Obama Victory Could Result in Full-Scope Chiropractic" in the [Jan. 15, 2009 issue](#).] I further predicted that there was a good chance health care reform would pass because Democrats controlled both houses of Congress.

Well, health care reform did indeed pass and due to the Herculean efforts of the American Chiropractic Association (ACA), non-discrimination language was included in the final bill that became law [the [Patient Protection and Affordable Care Act](#)]. That was truly a historic victory for the ACA and the chiropractic profession overall. From the chiropractic perspective everything looked good; that is, until the Nov. 2 midterm elections. That's when everything changed.

Based on the election results, I now believe it is highly unlikely that Obamacare and chiropractic's anti-discrimination language, as included in the act [Sec. 2706 of the Act, Public Law 111-148] will ever be implemented. That's because the new Republican majority in the House of Representatives - where appropriation bills must originate - will likely deny all funding for Obamacare. In fact, I believe it is very likely that the House will symbolically vote to repeal Obamacare. I say "symbolically" because the Democratic Senate will never approve repeal legislation, and even if they did, the president would most certainly veto it.

While some believe House Republicans should not take a hard line stance against Obamacare due to the harm they suffered for shutting down the government in the mid-'90s, I believe they will. That's because there's "a new sheriff in town" called the Tea Party that will hold

Republican House members accountable if they waver on repealing the law. Plus, in what will ultimately be decided by the U.S. Supreme Court, the health care reform statute will have to survive the constitutionality challenges that have been presented by multiple state attorneys general.

Implementation of Obamacare could also be adversely affected by the flip of 10 state governorships from Democrat to Republican. That's because state governors are the ones who will control reapportionment and will have the party and patronage apparatus in place when Obama and a large number of Senate Democrats run in 2012. Should the Republican Party win the presidency and 60 seats in the Senate, repeal of Obamacare will most likely occur - and along with it, chiropractic's anti-discrimination provision.

So, without question, implementation of Obamacare faces a tough, uphill battle on many fronts. If funding and full implementation are indeed unlikely, wouldn't it be best if the chiropractic profession started focusing its energy and resources on other issues? Unfortunately, the profession cannot afford to take that chance and must proceed on the assumption that Obamacare will indeed be implemented, despite the apparent challenges. To that end, the ACA has already began taking the regulatory and administrative actions necessary to ensure that chiropractic care is included to the fullest extent possible.

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