

Issue 3 will disrupt, complicate health care in Ohio

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If citizens had the ability to exert extra emphasis when voting no on wrongheaded and dangerous ballot measures – for instance, lighting the ballot on fire or ripping it to shreds — Ohio Issue 3 would deserve such treatment.

Advanced by intractable foes of President Obama's health-care reform, Issue 3 would amend the state constitution to state that "no law or rule shall compel, directly or indirectly, any person, employer or health-care provider to participate in the a health-care system." It also would forbid any law or rule to prohibit "the purchase or sale of health care or health insurance," or impose a penalty or fine for the same.

The specific motivation behind Issue 3 it to defy federal health-care reform, specifically the individual mandate that requires nearly everyone to get health insurance, and larger employers to offer it to workers or get penalized.

This has become a bugaboo among Republicans and Tea Partiers, who basically assert that any federal government intervention advanced by Obama and the Democrats is unconstitutional. Never mind that ample precedent exists for the individual health-insurance mandate through Congress' constitutionally granted authority to regulate interstate commerce.

The fact is that unless this country wants to continue to let private insurers set the terms and costs of health-care, the only way to reduce costs while handling the issue humanely is to spread health-care costs among the widest population possible. As with any insurance pool, if the only members are those who are likeliest to use the benefits, the difference between the actual cost of the services and the cost of the insurance draws ever closer; eventually the costs become unsustainable for both private citizens and the overall health-care system.

It was this situation, along with skyrocketing health-care costs, that compelled the Obama administration and others (including former Massachusetts Gov. Mitt Romney) to reform the system so that health care isn't unaffordable and unattainable for so many Americans. It's difficult to imagine that our nation's founders intended the Constitution to hamstring our ability to solve huge nation-crippling problems like health care.

While these and other arguments are sufficient to blow Issue 3 out of the water, they're not even the best reasons for opposing it.

Notwithstanding the benefits of federal health-care reform, it's important to realize that Issue 3, if passed, would have no effect on so-called "Obama-care." In this country, a state law, whether in the form of a state constitutional amendment or not, cannot trump a federal law. Moreover, the legality of congressionally approved health-care reform will be decided by the U.S. Supreme Court, not by Tea Party-crazed state legislatures or voters.

Issue 3, in effect, is intended as a symbolic act of defiance against a serious and substantial effort to address a national crisis.

But it's not just symbolic, in that even though it wouldn't stop federal health-care reform, it would play hell with many aspects of health care in Ohio.

A "No" endorsement in the *Cleveland Plain Dealer* on Oct. 22 framed the case effectively:

"(Issue 3's) language is so loose that, if approved, it could unleash an avalanche of presumably unintended consequences that might impact everything from future reform efforts to child-support cases. And while its supporters contend that any practices or policies in place as of March 2010 would remain in effect, what happens going forward? Most likely, uncertainty and years of litigation -- none of it good for the people of Ohio."

[In another "No" endorsement](#), *The Toledo Blade's* editorial board made a similar argument about the loose and vague wording in Issue 3:

"Legal scholars say Issue 3 is so carelessly and ambiguously worded — either because of sloppy drafting or deliberate design — that it could wipe out long-established state and local laws, rules and programs that voters of both parties support. It also could lead to costly lawsuits that taxpayers would be billed to defend."

These findings are included in a study conducted by Maxwell Mehlman and Jessie Hill of Case Western Reserve University in Cleveland, on behalf of Innovation Ohio, a progressive think tank headquartered in Columbus. They found that Issue 3 is "so sloppily and ambiguously worded that it would threaten a wide range of already-existing Ohio health programs, practices and policies enacted and supported by Republican and Democratic office-holders alike."

According to Mehlman and Hill, the laws, programs and policies subject to the negative impacts of Issue 3 include:

- The Workers Compensation system
- Child support enforcement orders
- College and university student health insurance coverage requirements
- The monitoring of "pill mills"
- Abortion notifications under the newly enacted HB 78 (and possibly the Act itself)
- Mental health and developmental disabilities tax levies
- School immunizations and disease tracking (such as smallpox, influenza and HIV)
- Licensing of health-care providers and insurance agents

The report also finds "that the multiple ambiguities contained in the amendment (including its failure to define even such key terms as 'wrongdoing') would lead to such a 'litigation nightmare'

that the proposed amendment might reasonably be subtitled 'The Lawyers' Full Employment Act of 2011.'"

When you go into the voting booth on Nov. 8, be prepared to perform an election "two-fer" — vote a resounding NO for both state Issue 2 (the referendum on S.B. 5) and state Issue 3. Both are blatant examples of ideological over-reaching and in no way promote good government in our state.

Original Article:

<http://www.athensnews.com/ohio/article-35162-issue-3-will-disrupt-complicate-health-care-in-ohio.html>