How Physicians Can Fight Obstructivism Over Obamacare

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Soon, millions of uninsured Americans will be able to enroll in qualified private health insurance plans offered through their state marketplaces, with federal dollars to help them afford it. The state marketplaces, created by the Affordable Care Act (Obamacare) will begin enrolling eligible people on October 1, and eligible persons will have until March 31 to sign up. The coverage and subsidies for those who sign up will start on January 1, 2014. As a result, an estimated 7 million uninsured people are expected to get health insurance next year.

Yet instead of this being a cause for celebration by Obamacare's supporters, and perhaps grudging acceptance (if not acquiesce) by its foes, the political fight over the law's future continues to rage. The fight is fueled by opponents' unrelenting crusade to do anything and everything they can think of to try to stop it. Some members of Congress have threatened to shut down the federal government on September 30 if President Obama and Senate Democrats refuse to go along with their demand to defund the ACA. Some interest groups are actively discouraging uninsured people from signing up for health insurance offered by the marketplaces.

Worst of all is the effort by some states to sabotage and even nullify [1] Obamacare by enacting legal barriers to its implementation. Several states have passed laws to try to make it impossible for federally-certified trained navigators to help people sign up for coverage. At least one state has made it illegal for state and local employees to help people sign up for Obamacare.

Others have proposed arresting federal employees [2] who try to implement it in their states, and several states have said they will refuse [3] to enforce Obamacare provisions that make it illegal for insurance companies to turn down people with pre-existing conditions.

How crazy and wrong is this? The idea of state nullification of federal law was commonly used in Southern states in the 1960s to resist federal civil rights law. Since then, the idea that states can nullify federal laws they disagree with had been soundly discredited, as a matter of both law and justice. Until now, that is.

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