

SUPREME COURT RULING LEAVES ACA SUBSIDIES & VISION PRIORITY PROVISIONS UNCHANGED

The Vision Council's Conversations with Congress, HHS & White House

As you know, in a 6 to 3 decision late last week, the US Supreme Court ruled in the case King v. Burwell to uphold the federal tax subsidies in the federally operated health exchanges created under the Affordable Care Act. The King v. Burwell case is the third high-profile challenge to the Affordable Care Act (ACA) and is viewed by many as having the practical effect of upholding the law. This reaffirmation of the ACA also preserves The Vision Council's key vision public policy priorities that our Council has fought to include since the law was first passed in 2010. These priorities include:

- Pediatric Comprehensive Eye Exam; and
- Carve out of eyeglasses & contact lenses from the 2.3 percent Medical Device Excise Tax.

Following the Supreme Court's decision, The Vision Council participated in briefings with Congress and the Department of Health & Human Services (HHS) as well as the White House to better understand and examine the impact of the ruling. In short, the decision reaffirms the footing of the ACA while likely accelerating the work and focus of the Congressional Majority to repeal the Act heading into the 2016 election cycle.

The Supreme Court's endorsement on Thursday of nationwide ACA subsidies also bars future Administrations from unilaterally withdrawing the financial assistance, putting the law on even firmer footing than expected. Chief Justice Roberts' closing paragraph sums up the decision, stating "Congress passed the Affordable Care Act to improve health insurance markets, not to destroy them. If at all possible, we must interpret the Act in a way that is consistent with the former, and avoids the latter."

The Supreme Court's decision to uphold tax subsidies for consumers purchasing coverage in the federal exchange will allow the Administration to continue implementing the ACA in accordance with the status quo. Despite this decision in favor of the Administration, it is also a certainty that the Congressional Republican Majority will continue with all efforts to repeal and replace the ACA, although many of these efforts will certainly be vetoed by President Obama.

The Vision Council's Government Relations Committee will be "boots on the ground" this July meeting with Members of Congress, key Congressional Committees of jurisdiction, HHS and the White House.

If you have any other questions or concerns regarding The Vision Council's Government and Regulatory Affairs, please contact Jason McElvaney at jason@mcelvaneypublicaffairs.com.