

Some Thoughts on the Healthcare Debate

by Joel R. Glucksman on June 29, 2012

On Thursday June 28 the United States Supreme Court issued its contribution to the healthcare debate. In a lengthy and rather surprising ruling, a bare majority of the Justices upheld the Constitutionality of the Affordable Care Act, popularly known as Obamacare. The High Court thus returned the issue to the forum where it truly belongs — the hands of voters and their elected representatives.

It is not the intent of this posting to debate the merits of the Affordable Care Act, nor the respective advantages of single-payer, government-mandated, and purely capitalistic healthcare. Nor can I opine on the economics of any of these systems. Your correspondent is not a healthcare expert, nor a professional economist (although I majored in Economics at Columbia College). I am simply a practicing attorney in northern New Jersey. However, in my bankruptcy and creditor's rights law practice, I have come to some conclusions about healthcare in America.

To be precise, over the recent past, I have witnessed an explosive number of individual bankruptcies where healthcare costs have played some, if not the major, role. More to the point, I have also witnessed a distressing number of hospital bankruptcies — primarily inner-urban, religiously-affiliated hospitals. I believe the reason for these bankruptcies is quite clear.

The American healthcare system works very well for some people. I, for example, am married to a public high school teacher and am perfectly satisfied with, and indeed quite grateful for, the healthcare coverage that her job provides. For many people, however, this is not the case. As the security of government jobs has eroded, and as the number of well-paid, union jobs with full benefits has diminished, the healthcare coverage available to many people has ranged from modest, to minimal, to non-existent. For too many Americans, therefore, their primary healthcare giver is often, and only, the emergency room of their local hospital. Lacking adequate insurance, such patients are often swiftly overwhelmed by their medical bills. Needless to say, this results in both individual bankruptcies and, eventually, the demise of such hospitals.

At base, then, the issues raised by the Affordable Care Act case are crucially important to the nation. Chief Justice John Roberts is therefore to be commended for his exercise of judicial restraint, in leaving the final resolution of the matter to the voters.