HLS 10RS-1867 ORIGINAL

Regular Session, 2010

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## HOUSE CONCURRENT RESOLUTION NO. 71

BY REPRESENTATIVES RICHMOND, AUBERT, AUSTIN BADON, BURRELL, DIXON, FRANKLIN, HARDY, GIROD JACKSON, MICHAEL JACKSON, ROSALIND JONES, LAFONTA, NORTON, PATRICIA SMITH, STIAES, THIERRY, AND WILLIAMS AND SENATORS BROOME, DORSEY, DUPLESSIS, JACKSON, MURRAY, AND PETERSON

INSURANCE/HEALTH-ACCID: Directs La.'s attorney general to withdraw from the suit challenging the Patient Protection and Affordable Care Act of 2010 on constitutional grounds

A CONCURRENT RESOLUTION

2	To direct Louisiana's attorney general to withdraw from the suit challenging H.R. 3590, the
3	Patient Protection and Affordable Care Act of 2010, on constitutional grounds.
4	WHEREAS, on March 23 of this year, President Barack Obama signed into law H.R.
5	3590, the Patient Protection and Affordable Care Act of 2010, landmark legislation which
6	will ensure insurance coverage as the right of every American and begin to reshape the way
7	virtually all citizens will receive and pay for health care treatment; and
8	WHEREAS, Louisiana's attorney general has joined a suit with attorneys general
9	from at least thirteen other states to challenge this Act on constitutional grounds; and
10	WHEREAS, this suit challenging the Act is not in the best interest of the state of
11	Louisiana and, in particular, the health and welfare of its citizens; and
12	WHEREAS, almost one-fifth of Louisiana's population lack any type of private or
13	public health care coverage, according to the latest figures from the Kaiser Family
14	Foundation; and
15	WHEREAS, the uninsured are more likely to be burdened with medical debt and
16	unable to afford the cost of health care; and
17	WHEREAS, as a result, many forego preventative care or worse, when they are sick,
18	choose not to be treated at all; and

1	WHEREAS, in Louisiana alone, eight thousand two hundred citizens have died
2	prematurely since 1995 and, lacking comprehensive health reform legislation, another seven
3	thousand seven hundred will lose their lives by 2019, according to estimates made by
4	Families USA; and
5	WHEREAS, many provisions of the Act will go into effect immediately or very
6	shortly and would benefit Louisiana citizens, and this suit could delay the implementation
7	of these provisions; and
8	WHEREAS, among these provisions is the first phase of a tax credit for qualified
9	small businesses, which number more than fifty thousand in Louisiana, to help provide
10	health insurance to their employees, which will go into effect for the 2010 tax year; and
11	WHEREAS, taking effect immediately upon enactment of the Act, will be a rebate
12	for Medicare recipients who face a gap in prescription drug coverage to help pay for
13	medication; and
14	WHEREAS, taking effect ninety days after enactment of the Act, will be a new
15	temporary reinsurance program to help employers who provide early retirement benefits,
16	including health care coverage, for those retirees over the age of fifty-five who are not yet
17	eligible for Medicare to offset the expensive cost of that health coverage; and
18	WHEREAS, also taking effect ninety days after enactment of the Act, will be the
19	creation of a temporary high-risk pool to provide health coverage to individuals with pre-
20	existing medical conditions who have been uninsured for at least six months; and
21	WHEREAS, taking effect six months after enactment of the Act, will be provisions
22	barring insurance companies from denying health coverage to children who have pre-
23	existing medical conditions; and
24	WHEREAS, also taking effect six months after enactment of the Act, will be
25	provisions requiring insurance companies which currently provide health coverage to
26	dependents to make that coverage available to dependent children up to age twenty-six; and
27	WHEREAS, also taking effect six months after enactment of the Act, will be
28	provisions prohibiting insurance companies from placing lifetime limits on how much they
29	pay out to individual policyholders and also prohibiting the use of restrictive annual limits;
30	and

1	WHEREAS, also taking effect six months after enactment of the Act, will be
2	provisions prohibiting insurance companies from rescinding coverage upon submission of
3	a claim or when a person gets sick except in the case of fraud; and
4	WHEREAS, also taking effect six months after enactment of the Act, will be
5	provisions eliminating copayments and deductibles for preventive health services such as
6	immunizations for children and cancer screenings for women; and
7	WHEREAS, another provision in the Act will provide a two-year temporary tax
8	credit, for qualifying investments made in 2009 and 2010, to encourage investment in new
9	therapies to prevent, diagnose, and treat acute and chronic diseases; and
10	WHEREAS, another provision in the Act will exclude from gross income, for taxable
11	years beginning after December 31, 2008, payments made under any state loan repayment
12	or loan forgiveness program that is intended to provide for the increased availability of
13	health care services in underserved or health professional shortage areas; and
14	WHEREAS, in addition to these many immediate benefits accruing from the Act are
15	many others slated for upcoming years, particularly 2014, when every United States citizen
16	will be required to obtain health care coverage; and
17	WHEREAS, implementation of the historic Patient Protection and Affordable Care
18	Act of 2010, which became Public Law No. 111-148, is crucial to Louisiana citizens and any
19	delay in its implementation would be detrimental to those same citizens.
20	THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby
21	direct Louisiana's attorney general to withdraw from the suit challenging H.R. 3590, the
22	Patient Protection and Affordable Care Act of 2010, on constitutional grounds.
23	BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the
24	state's attorney general.

## **DIGEST**

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Richmond HCR No. 71

Directs La.'s attorney general to withdraw from the suit challenging H.R. 3590, the Patient Protection and Affordable Care Act of 2010, on constitutional grounds.