

# Will health care reform survive the courts

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RESEARCH CRITIQUE 09/28 Theme of your research proposal COMPLETE APA REFERENCE (in correct form Boffey, P. M. August 20). Will Health Care Reform Survive the Courts? Retrieved September 27, 2011, from The New York Times: <http://www.nytimes.com/2011/08/21/opinion/sunday/will-health-care-reform-survive-the-courts.html>

SUMMARY (not to exceed 50% of review):

The article discusses as to how the courts may shape the laws on healthcare reforms in the country and what role Congress can play in this regard. The law regarding the healthcare services and payment of medical insurance is not just the issue but it also involves a complex web of legal suits as well as interpretations as to how Federal and State governments can interact with each other to determine the practical aspects of implementing this law.

The constitutionality of the law and how the lower courts have actually interpreted the law and its implementation has been discussed in this article. Article also hints that the opinion of judges appointed by Republicans differ from opinion of judges appointed during the democratic period suggesting a sharp division of opinion between the two.

The core argument in this article is based upon the notion that whether Congress has the power to regulate the inter-state trade and can actually force consumers to buy the private insurances. The role of courts has been discussed with a view to establish as to how courts are actually interpreting this move and what implications the decisions of courts may have on the actual outcome of the healthcare reforms.

The article finally discusses the role of Supreme Court and how it may affect the overall implementation of the reforms. However, article does however; points out that Supreme Court of the country should give leverage to the <https://assignbuster.com/will-health-care-reform-survive-the-courts/>

Political representatives to decide on this important issue of healthcare.

#### CRITICAL ANALYSIS:

The article though very rightly points out the differing legal opinions on the healthcare reforms however; article fail to provide an assessment of what would be the end result of this legal battle which is going on in the lower courts of the country. Article also pointed out that the legal opinions are differing due to political associations of the judges thus giving an impression that the legal system of the country may be affected by the political ideologies.

It is also important to understand that the article has failed to offer an insight into how the State governments as well as the Federal government will actually reconcile their differences. Though article suggests that most of the money will be funded through Federal Government however, the concerns of the States may have some political implications which article has failed to offer an insight into.

#### PRACTICAL APPLICATIONS/IMPLICATIONS:

One of the key implications for this may be the possibility that the courts may overrule the health reforms or may restrict the ability of Congress to implement the new changes. If the health reforms are not implemented, the overall costs may be higher and the poor Americans may not be able to avail better healthcare services. Further, State may also fail to fulfill one of its basic responsibilities. It is therefore important that all the organs of the State including legislature and executive must work in consultation in order to bring the changes which are beneficial for the society as a whole.

#### References:

Boffey, P. M. (2011, August 20). Will Health Care Reform Survive the Courts?  
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