Health Reform Decision 2012: Timeline of Patient Protection and Affordable Care Act

2009

• February 24- President Obama announced to a Joint Session of Congress that he intends to tackle the issue of health care reform during his first year in office.
• March 5- President Obama held a health care reform summit at the White House with various industry leaders and Members of Congress to work on a plan.
• July- Health care legislation voted out of three committees in the House (Ways and Means, Education and Labor, and Energy and Commerce) and one in the Senate (Health, Education, Labor, and Pensions).
• July 7- Al Franken (D-MN) was sworn in as Senator after a contentious recount fight with the incumbent, Norm Coleman (R). Franken’s seating gives the Democrats a 60th Senator, meaning they can use only Democratic votes to overcome any filibuster of legislation and pass bills with only Democratic support.
• August- During the summer Congressional recess, many Members of Congress held town hall meetings to discuss health care reform with their constituents. These meetings were known for loud protests by opponents of health care reforms. Some Congressmen received violent threats against them and one was hung in effigy.
• August 25- Sen. Edward M. Kennedy (D-MA) died after a struggle with brain cancer. He was arguably the leading proponent of universal health care in America over the previous four decades and his death left the Democrats with only 59 permanent seats in the Senate (Kennedy’s seat was filled on an interim basis with an election scheduled for January 2010 to serve out the remainder of his term).
• September 9- Obama addressed a Joint Session of Congress and urged a refocus of efforts to pass health care reform.
• October 13- The Senate Finance Committee passed health care reform legislation, written primarily by Sen. Max Baucus (D-MT), the chair of the committee. This marked the first time that all five committees of jurisdiction passed universal health care legislation.
• November 7- The House passed the Affordable Health Care for America Act by a vote of 220-215, marking the first time a chamber of Congress passed universal health care legislation. 39 Democrats broke with the party and voted no, while one Republican, Rep. Joseph Cao (R-LA), voted yes.
• December 23- The Senate votes to break a filibuster on their version of health care legislation, the Patient Protection and Affordable Care Act, by a vote of 60-39, with every Democrat voting yes and every Republican voting no.
• December 24- The Senate votes to approve the Patient Protection and Affordable Care Act by a vote of 60-39, with every Democrat voting yes and every Republican voting no.
January 19- Massachusetts State Sen. Scott Brown (R) defeated Massachusetts Attorney General Martha Coakley (D) in an election to fill the remainder of Edward Kennedy’s Senate term. Brown’s election gave the Republicans a 41st Senate seat, meaning they could block legislation from final passage after conference if they all stuck together.

February 22- President Obama decided to go forward with an effort to pass comprehensive legislation and submits his proposal for health care reform, modeled strongly after the legislation the Senate passed, the ACA, but with some tweaks.

February 25- President Obama hosted a White House Summit with many Members of Congress, including the leaders of both parties, to discuss health care reform.

By March- President Obama and leading Congressional Democrats finalized their strategy going forward: 1) have the House pass the Senate bill exactly as is, sending the ACA to the President’s desk; 2) have the House pass a batch of changes to the ACA dealing with strictly fiscal issues under a procedure known as “reconciliation”, whereby legislation that both deals only with fiscal issues and reduces the deficit can avoid Senate filibusters; 3) have the Senate, needing only 50 votes, approve the reconciliation package.

March 21- The House passed the Patient Protection and Affordable Care Act by a vote of 219-212, with 34 Democrats voting no and zero Republicans voting yes. The House also passed the Health Care and Education Reconciliation Act, the batch of fiscal changes, by a vote of 220-211.

March 23- President Obama signed the Patient Protection and Affordable Care Act into law.

March 25- The Senate passed the reconciliation legislation with minor changes by a 56-43 vote, with party lines holding except for Sens. Ben Nelson (D-NE), Blanche Lincoln (D-AR), and Mark Pryor (D-AR), who voted no. The House then agreed to the amended Senate version later that day, by a vote of 220-207.

March 30- President Obama signed the Health and Education Reconciliation Act into law, completing the legislative journey of health care reform.

December 12-Judge Henry Hudson (nominated by George W. Bush) of the US District Court for the Eastern District of Virginia ruled in the case of Virginia v. Sebelius that the individual mandate provision of the ACA was unconstitutional, the first time the ACA was ruled unconstitutional in federal courts.
2011

- January 31- Judge Roger Vinson (nominated by Ronald Reagan) of the US District Court for the Northern District in Florida ruled in the case of Florida v. Department of Health and Human Services, a case that featured 26 states and the National Federation of Independent Businesses arguing that the Affordable Care Act was unconstitutional, that the individual mandate is unconstitutional and that the mandate is also not severable from the rest of the legislation, so he ruled the whole law unconstitutional.
- August 12- A panel of three judges on the US Court of Appeals for the Eleventh Circuit affirmed Vinson’s decision in part by saying that the mandate is constitutional. They disagreed with his holding that the mandate is not severable from the rest of the bill so declare that portion to be constitutional.
- September 26- The Supreme Court announced that it would not appeal the ruling of the three judge panel to the entire Eleventh Circuit Court, instead asking the Supreme Court to directly review the case.
- November 14- The Supreme Court agrees to hear the case in March 2012.

2012

- March 26th- The Supreme Court heard the first of three days of oral arguments on the Affordable Care Act. The first day dealt with the issue of whether or not the penalty for not complying with the mandate was a tax and if so, what this meant in terms of whether or not the plaintiffs in the case had standing to sue.
- March 27th- The second day of oral arguments at the Supreme Court, this one dealing with the Constitutionality of the mandate.
- March 28th- The third and final day of oral arguments at the Court. These arguments centered on whether or not the mandate was severable from the rest of the bill and whether or not the expansion of coverage through Medicaid was a justified use of federal power over states.
- June 2012- Sometime during the month of June, the Supreme Court is expected to release its decision on the Affordable Care Act and the four issues heard in March.