
REMAPPING DEBATE

Asking "Why" and "Why Not"

Article fails to probe potential impact of GOP plan for hearings to review health law

Press Criticism | Lori Bikson | Health Care, Washington Post

October 12, 2010 — It is not as though I have anything against all “what if” articles. On the contrary, imagining the consequences of a future state of affairs is essential for the making of informed choices. But a story that proposes to explore future consequences needs to follow through and do so. That is not what happened with a recent Washington Post piece on the GOP’s hope to “target” the new health-care law after the November elections.

The story includes a reference to the fact that Republicans “hope to hold oversight hearings aimed at laying the groundwork for a broad-based public repudiation of the law.” Seventeen paragraphs later, at the end of the article, we learn that “many contend” that the “more lasting effect of the election could be the opportunity it could give Republicans to hold hearings showcasing any downsides to the law.”

What might that mean? “That could include spotlighting business owners who say they are hiring fewer workers because they cannot afford to offer the health insurance that the law mandates, or people who say their premiums skyrocketed because their insurer has been required to offer broader protections.”

And the hearings could spell big problems for Democrats. The piece concludes by quoting the hypothesis of a Republican political consultant: “If they [the GOP] can show the effect of the law and then tie it back to the state of the economy, I think that would be a pretty devastating one-two punch.”

In short, we are not provided with much more than if the reporter had written, “Were hearings to have the impact that some in the GOP hope they will have, the hearings will have a big impact.”

Entirely missing is an assessment of what evidence Republicans would in fact be able to marshal at such hearings, or what counter-evidence the Democrats who supported the law (or who wanted the law to go further) might produce. On many of these issues, there cannot be a definitive answer regarding the law’s impact: many aspects of the law simply have not yet gone into effect. But there certainly were questions that could and should have been asked.

How many business owners, for example, would be able to demonstrate it was not the Great Recession, and not cost increases related to insurance company posturing, but actually new health insurance law mandates that caused them to hire fewer workers?

Would those be mandates deriving from provisions of the law already going into effect (mandates a

business owner might actually have experienced by the time of a hearing in 2011), or mandates deriving from provisions of the law that might kick in as late as 2014 (mandates a business owner would only be anticipating by the time of a 2011 hearing)?

Would the proposed hearings really only be open to those who want to repeal the law, or might supporters of health care reform show up and complicate the reported-on scenario? Might there be small business owners who came to testify that the law was the mechanism that opened the door to their own purchase of health insurance? Could the desired hearings become a platform at which patients might complain that private insurers were continuing to deny claims improperly?

And would there be no other risks for those wanting to repeal the law? Wouldn't some Democrats try to make the case that there is a well-documented record that insurance companies use every opportunity they are not proscribed from taking in order to deny insurance to people with pre-existing conditions?

From a spending of political capital point of view: in light of the fact that substantial numbers of Americans do show up in polls as supporting the law, how far beyond their base could Republicans get via hearings that call, in effect, for a return to the good old health care days of 2009, and how many voters would be turned off by that appeal?

The Post article did not address any of the questions.

The kicker of the story is that Republicans could land a "devastating" blow if able to tie back the costs of the health care law to the poor state of the economy. That is a pretty big "if," and there are numerous people out in the world that could weigh the extent to which the "if" bears any relation to reality. Yet the reporter called on only one person: David Merritt, a former health policy advisor to John McCain who is currently working for Newt Gingrich's consulting firm.

It could be that Mr. Merritt's views on health care and on the relation of health insurance law costs to reduced hiring are well supported. It could be that the Republican strategy of holding hearings turns out to reflect masterful political strategy that is richly rewarding for the GOP. But the reader is left without any tools with which to assess future developments because the article left so many questions unasked.

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