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HIDING OBAMACARE REFERENCES- ARKANSAS HEALTH INSURANCE MARKETPLACE ACT

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In earlier articles I have shown that the Arkansas “*Private Option*” is Obamacare Medicaid expansion, despite the claims of a few legislators who say otherwise. Here I focus on another Obamacare law passed by the Arkansas General Assembly -- the “*Arkansas Health Insurance Marketplace Act*”, passed as Act 1500 of 2013 (HB1508).

The *Arkansas Health Insurance Marketplace Act* sounds like a program designed locally, after all it has the word “Arkansas” in the title. Actually, a Health Insurance Marketplace is a key provision of the *Patient Protection and Affordable Care Act (Obamacare)*. A Health Insurance Marketplace is often referred to as an Exchange or as an Obamacare Exchange. The *Arkansas Health Insurance Marketplace Act* authorized Arkansas to pursue the establishment of an Obamacare Exchange.

Many of the supporters of the *Arkansas Health Insurance Marketplace Act* and of the *private option* don’t mind admitting that they passed Obamacare related legislation. Yet there are a few state legislators who continue to deny the obvious, perhaps because much of their voter base oppose anything Obamacare. Their pattern of denials make the way the *Arkansas Health Insurance Marketplace* law is written even more interesting because of what is omitted from the text.

The *Arkansas Health Insurance Marketplace Act* twice refers to the “*Patient Protection and Affordable Care Act*” but you won’t see those words in the text. The Arkansas law merely refers to Obamacare by its Public Law number, which only a few people recognize. This omission doesn’t appear to be accidental because in referencing other federal laws the names of the other federal laws are included

First you need to know that **Pub. L. No 111-148** is the “**Patient Protection and Affordable Care Act**” (**Obamacare**) and Pub. L. No. 111-152 is the “Health Care and Education Reconciliation Act of 2010” which amended Obamacare. Now notice how the Arkansas law avoids using the names of these laws:

"Federal act" means the federal healthcare laws established by Pub. L. No. 111-148, as amended by Pub. L. No. 111-152, and any amendments to, or regulations or guidance issued under, those statutes existing on the effective date of this act;

SECTION 5. EMERGENCY CLAUSE. *It is found and determined by the General Assembly of the State of Arkansas that the federal healthcare laws established by Pub. L. No. 111-148, as amended by Pub. L. No. 111-152, allow each state to establish a health*

insurance marketplace or opt to participate in a health insurance marketplace operated by the United States Department of Health and Human Services;...

Now, notice how it includes both the name of the law and the Public Law number for other federal laws referenced in the act:

- *Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191*
- *Social Security Act, Pub. L. No. 74—271*

The difference is subtle and perhaps minor. The difference wouldn't even be noteworthy except that it appears to be part of the pattern of trying to keep voters (and perhaps other legislators) from noticing that Arkansas passed laws to implement parts of Obamacare. **You weren't supposed to notice.**

To see how your State Representative and State Senator voted on authorizing an Obamacare Exchange follow the links below. *(Among the supporters, you will see the names of the few legislators who claim the loudest that they fought Obamacare, but they voted for both an Obamacare Exchange authorized by the Arkansas Health Insurance Marketplace and the Obamacare Medicaid expansion known as the "private option.")*

House vote:

<http://www.arkleg.state.ar.us/assembly/2013/2013R/Pages/votes.aspx?rcsnum=1838&votechamber=House>

Senate vote:

<http://www.arkleg.state.ar.us/assembly/2013/2013R/Pages/votes.aspx?rcsnum=1994&votechamber=Senate>

Follow this link to read the *Arkansas Health Insurance Marketplace Act*

<http://www.arkleg.state.ar.us/assembly/2013/2013R/Acts/Act1500.pdf>