Is the Individual Mandate Gone?

Why worry about the March 31 open enrollment deadline? There no longer appears to be a mandate to buy health insurance. The Obama administration recently added a 14th hardship exemption that gives anyone and everyone an “out” -- without need of documentation to prove your case. It’s a “catch-all” exemption, as reported by BusinessWeek.

We discovered the exemption in January. On January 27, CCHF issued a press release calling it a “Get out of Jail Free Card.” We found it while comparing the list of hardship exemptions on the HHS’s exemptions web page with the list on the application form. The 14th exemption was not listed on the web page.

So we announced it nationwide in a press release, but most of the media didn’t seem to believe us. Except for a few radio stations, no one breathed a word….until March 12th.

That day an editorial in the The Wall Street Journal announced “ObamaCare’s Secret Mandate Exemption. They had read a March 5th technical bulletin, which mentioned an earlier December 12th bulletin. Most likely, in the process of checking out the application form using a link in the December document, they found the 14th exemption.

But it turns out the 14th exemption was announced last year -- and we all missed it. The Wall Street Journal first announced the 14th exemption in a news report back on December 20th -- in the same article that discussed the new hardship exemption for people whose insurance was cancelled. We saw one, but not the other.

Interestingly HHS was happy to leave everyone in the dark. They added hardship exemption #14 to the application form, but did not add it to the exemption page until 2½ months later (March 13) after the WSJ editorial made it national news, according to Breitbart.

Today, you’d never know the 14th exemption was hidden out in the open when we found it. The exemption web page and the application for hardship exemption match. Both have 14 hardship exemptions. But here is the screenshot of the two side by side we posted nearly two months ago:
In short, you are able to apply for a hardship exemption if “You experienced another hardship in obtaining health insurance” and you need only “submit documentation if possible.” This exemption, as we said in our press release is the only one that includes the word “Please.”

To my knowledge, there is still no official document regarding the 14th exemption. Not in the June 26, 2013 bulletin on hardship exemptions or the October 16 draft application or elsewhere.

Why is the Administration so silent about this good news? Perhaps it’s a way to relieve political pressure even as they apply pressure on people to enroll.

Although Obamacare lets HHS create and withdraw exemptions, #14 essentially guts the mandate and the penalty for now. Sure, HHS could reject your application, saying your hardship doesn’t count, but imagine how that would play in the media. But now….do you really want to report all your data on a form, which will end up in the highly insecure federal, Obamacare “Health Insurance Exchange Program” database for tracking purposes. You might want to just pay the penalty.

Working toward repeal of Obamacare,

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