



Health Care Law Litigation

GLOSSARY OF TERMS

- **Cert grant** – A decision by the Supreme Court to hear an appeal from a lower court. At least four justices of the Supreme Court must vote to hear the case in order for cert (short for a “writ of certiorari”) to be granted.
- **Commerce Clause**— A provision of the Constitution that authorizes Congress to regulate interstate commerce, which has long been interpreted to empower Congress to regulate conduct that is not itself economic when it has substantial effects on interstate commerce and interstate markets.
- **Guaranteed issue** – An Affordable Care Act requirement that health insurance plans must allow applicants to purchase health coverage regardless of their health status, age, gender, or any other factor that might affect the way they use health care.
- **Individual market** – The market for health insurance coverage offered to individuals who do not receive coverage under a group health plan (like an employer, university, or association health plan).
- **Interstate commerce** – The flow of commercial trade, business, goods, or money from one state to another.
- **Necessary and Proper Clause** – A clause in the Constitution that allows Congress to make laws that it finds appropriate to execute the powers granted to it in the Constitution, so long as the laws do not violate any independent constitutional provision.
- **Personal responsibility provision** – An Affordable Care Act requirement that all Americans (unless exempt) must obtain insurance coverage, with subsidies available to low- and moderate-income individuals to help pay for coverage.
- **Pre-existing condition exclusion** – A health insurance provision that excludes people with a previous health condition from receiving some or all health coverage benefits in a health plan; the Affordable Care Act currently prohibits pre-existing condition exclusions for children’s coverage and for everyone beginning in 2014.
- **Questions presented** – The particular legal issues being considered by the Supreme Court in a given case.
- **Severability** – When an unconstitutional portion of a law can be struck down while leaving the remainder of the law in force. Whether a particular legal provision is severable depends on the intent of Congress in passing the broader law.
- **Spending Power** – Congress’s power to spend federal revenue to forward its goals and to impose conditions on use of federal money.