**The Role of Courts in Health Policy Making**

The judiciary is one of the three coequal branches of the government, each with its own responsibilities and authority. The US constitutional structure intends the judicial branch to play a less direct part in policy making. However, an examination of decisions rendered by the courts indicates that judicial decisions can affect health policy to a great extent. The federal courts have legal authority over certain types of cases that may involve the federal Constitution or statute. They also may be involved in cases that have parties residing in different states. Courts in the U.S. have traditionally acted as constitutional referees, making decisions about the scope of each branch’s reach.

When the Congress’ authority to enforce individual mandate via the ACA was challenged by the National Federation of Independent Businesses (*NFIB v. Sibelius* as cited in Longest, 2016), the Supreme Court acted as the referee. Courts also act as meaning givers when they interpret laws that may be particularly unclear in specific circumstances. For example, in 2003, in *Kentucky Association of Health Plans, Inc. v. Miller*, the Supreme Court interpreted the savings clause and ruled to permit health plans to permit any willing provider to join their networks.

Furthermore, the courts act as rights enforcers when parties allege violation of their constitutional rights in the context of evolving social conditions. For example, in 2012, a federal circuit court of appeals upheld Congress’ authority to require graphic warnings (*Discount Tobacco City & Lottery, Inc. v. United States* as cited in Longest, 2016). However, another circuit court of appeals in the same year (*R.J. Reynolds Tobacco Co. v. FDA* as cited in Longest, 2016) found that compelling tobacco companies to include the images actually chosen by the FDA on their cigarette packages would violate the companies’ First Amendment rights. It must be noted that these three roles of the courts are not mutually exclusive. In the context of health policy, the judiciary impacts both public and private sectors. For example, until the implementation of the ACA, employers had complete discretion on insurance provision to their employees and the types of benefits provided.

The Supreme Court of the United States

Courts in the U.S. have traditionally acted as constitutional referees, making decisions about the scope of each branch's reach. Courts also act as meaning givers when they interpret laws that may be particularly unclear in specific circumstances. Following are some important cases in which the judiciary branch of the U.S. government played a key role.