

## **Imagine a Constitutional Right to Healthcare**

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### **Abstract**

The Covid-19 pandemic has presented some unique public health and legal problems. Since its initial origin in China, the disease has spread rapidly all over the world, and the number of cases increased exponentially. Studies have shown that those who are uninsured have suffered significant harm from the impacts of Covid-19. Through the 2020 CARES Act and the American Rescue Plan Act of 2021, the federal government has significantly assumed the obligation of providing healthcare to US citizens. But Congressional action in healthcare is usually fraught with partisan politics. In times of a pandemic, a constitutional right to healthcare would work best to combat the rapid spread of a disease. However, the U.S. constitution does not guarantee healthcare as a fundamental right, therefore this paper imagines such a right, which will expand healthcare access to all citizens. It suggests that the roles of courts in shaping health equity will be significant in guaranteeing a constitutional right to healthcare through the equal protection clause, or through various state constitutions.

**Key words:** Pandemic, Covid-19, Health, Healthcare, Constitution.

### **Biography**

Christopher Ogolla is an assistant professor at Barry University, Dwayne O. Andreas School of Law where he teaches evidence, health law, immigration law and torts. Prior to joining Barry Law School, Ogolla was a visiting professor at Campbell University Law School in Raleigh, North Carolina. He also taught at Savannah Law School, a branch of the John Marshall Law School in Atlanta, Georgia. Prior to teaching, Ogolla worked at the CDC in Atlanta as an Association of Schools of Public Health (ASPH) research fellow. Additionally, he served as a public health representative for the New York State Department of Health, Division of TB Control, in New Rochelle, New York. He obtained his J.D. from Thurgood Marshall School of Law in Houston, and his LL.M in health law from the University of Houston Law Center. He also holds a Master of Public Health degree from the University of Massachusetts School of Public Health and Health Sciences and a Master of Arts in medical anthropology from the same university.