

Despite Court Rulings, Health Care Reform Moves Ahead

2/3/2011

[April A. Goff](#)

Even though a federal judge in Florida ruled on Monday that Health Care Reform is unconstitutional, don't expect any changes in the immediate future. Until and unless the U.S. Supreme Court invalidates the law, federal and state governments are likely to continue implementing it.

U.S. District Judge Roger Vinson ruled that the Patient Protection and Affordable Care Act of 2010 is unconstitutional because it requires nearly all Americans to purchase health insurance by 2014 or face higher taxes. He said the failure to purchase health insurance is "inactivity," which Congress does not have the authority to regulate. However, Judge Vinson refused the plaintiffs' request to suspend the law. So Obama Administration officials have said the federal government and individual states should proceed without interruption to set up insurance exchanges and lay the framework for other sections of the law.

Four cases involving the constitutionality of the Health Care Reform Act have now been decided by U.S. District Court judges. Two Republican nominees have now declared all or portions of Health Care Reform unconstitutional, while two Democratic nominees have deemed the law constitutional. The Vinson ruling is important, however, because the Attorneys General of 25 other states have joined Florida in claiming that the Health Care Reform Act is unconstitutional. Plus, Judge Vinson ruled the entire act unconstitutional, not just the individual coverage mandate.

Justice Department officials have already commented that they will immediately appeal the decision to the 11th Circuit Court of Appeals. Each of the 26 states involved in this lawsuit have received funding to implement Health Care Reform. Conservatives and liberals alike expect that implementation will move forward despite Monday's ruling. Given the conflicting court decisions on the issue, it is unlikely that the constitutionality of the law will be definitively resolved until it is brought before and decided by the U.S. Supreme Court in the next few years.

If you have questions about Health Care Reform, please contact April Goff (616.752.2154 or agoff@wnj.com) or any other member of the Health Care Reform Task Force at Warner Norcross & Judd.