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# What's Next for Health Care Law After Federal Court Ruling?

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WASHINGTON (Dec. 13) -- A [federal judge's ruling](#) that a [key provision](#) of the Obama administration's health care law is unconstitutional is hardly the last word on whether the far-reaching overhaul will be enacted as written.

To be sure, the [42-page opinion](#) by U.S. District Court Judge Henry Hudson shores up the argument by conservatives. The judge, a 2002 appointee of George W. Bush, ruled that the law's "individual mandate" requiring everyone to have health insurance goes beyond the powers of Congress to regulate interstate commerce.

"This is just one district court -- whose opinion is not binding on the judges who will now consider the government's appeal -- but we can now see the day where this unprecedented assertion of federal power is definitively rejected as fundamentally contrary to our constitutional order," said Ilya Shapiro, a senior fellow at the libertarian Cato Institute.

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That day, however, is unlikely to come anytime soon. There are some two dozen lawsuits wending their way through the courts aimed at nullifying all or part of the Affordable Care Act.

The Justice Department is considering whether to appeal today's decision in Richmond, Va. But already Republicans are calling for an expedited review by the U.S. Supreme Court.

"In this challenging environment, we must not burden our states, employers, and families with the costs and uncertainty created by this unconstitutional law, and we must take all steps to resolve this issue immediately," said House Majority Leader-elect Eric Cantor of Virginia, whose state filed the lawsuit decided today just minutes after President Barack Obama signed the law in March.

Despite the glee among opponents of the law, a dozen other judges have dismissed challenges as baseless. And the two other federal judges who have ruled on the merits of the arguments -- one in Michigan and another in a different district in Virginia -- have upheld the law.

Both those judges were Democratic appointees. Hudson is a Republican who is reported to have [a stake in a GOP consulting firm](#) that has worked against health care reform.

Neera Tanden of the liberal Center for American Progress called Hudson's decision "an outlier" that "will not hold up to further scrutiny."

All eyes next shift to a federal judge in Florida appointed by Ronald Reagan who will hear another challenge Thursday.

Given the rancorous partisan divide over health care, it is unlikely the White House will rush the case to a Supreme Court where conservatives hold a 5-4 advantage. Nor is the high court likely to add health care to its docket before more lower court judges weigh in. The most likely scenario would see the case take as long as two years to reach the Supreme Court, arriving before the individual mandate is scheduled to begin in 2014.

In the meantime, Hudson's ruling will have no effect on the law's rollout since Hudson refused to halt implementation while the case is appealed.

If the legal fallout remains unsettled, the political impact was clear.

Republicans [already intent on repealing](#) what they derisively call "Obamacare" were emboldened by the ruling.

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As soon as the GOP takes control of the House in January, "We will pass a clean repeal of Obamacare," Cantor promised.

While Senate Democrats and Obama's veto pen make that all but impossible in the next Congress, soon-to-be Speaker of the House John Boehner advised states to go slow. "Cash-strapped states should carefully weigh the benefits of investing time and resources in Obamacare's implementation now that its central mandate has been ruled unconstitutional," he said.

While many states are already [inclined to drag their feet](#), the administration said today's ruling will not affect its timetable.

"When it's all said and done, the courts will find the Affordable Care Act constitutional, the [White House](#) said. "There have been many rulings on court cases regarding health reform and we know there will be many more."

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