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Supreme Court Agrees to Consider Whether Obamacare is Constitutional

The United States Supreme Court announced today, November 14, 2011, that it will hear a legal challenge to the Patient Protection and Affordable Care Act, referred to as the “Affordable Care Act” by the federal government and also commonly referred to as “Obamacare.” The Court should hear oral arguments by March and issue an opinion by late June, at a time when the 2012 presidential campaign will be in full swing.

Although several court challenges have been filed, the Supreme Court has agreed to hear the one filed by 26 states (including Louisiana) in the United States District Court for the 11th Circuit in Atlanta, Georgia. This decision is the only appellate court decision to date that has held the individual mandate to purchase health insurance contained in the law is unconstitutional. The 11th Circuit held that Congress exceeded its authority to regulate commerce and levy taxes by requiring that individuals purchase health insurance or face penalties. The 11th Circuit, however, upheld the remainder of the law.

In agreeing to hear the challenge, the Supreme Court agreed to consider the pivotal issue of whether the individual mandate to purchase health insurance is constitutional. The court will also consider (1) whether the entire law must fail because the individual mandate is unconstitutional; (2) whether states can be forced by the federal government to expand their share of Medicaid costs and administration, with the risk of losing federal funding if they refuse; and (3) whether federal law can require states to provide state employees with a specified level of health insurance coverage.

While the case is pending before the Supreme Court, employers still have an obligation to comply with the law and its deadlines that are being implemented incrementally. For a comprehensive timeline of effective dates and the status of various provisions visit <http://www.dol.gov/ebsa/>.

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