

# Supreme Court Clears the Way for New Health Care Law Challenge

By Donald Scarinci

WAIT...just when you thought [the legal debate over the Patient Protection and Affordable Care Act](#) AKA/ "[Obama Care](#)" was over, the Supreme Court said, "Not so fast!"

The United States Supreme Court ordered the Fourth Circuit Court to reconsider the challenges raised in *Liberty University v. Geithner*, one of many cases still working their way through the federal courts. There are other cases in the courts as well which I discuss in the [Constitutional Law Reporter](#).

When the Supreme Court upheld the [sweeping health care reform law](#) in June, it rejected all other pending appeals. However, Liberty University subsequently renewed its lawsuit this summer, arguing that it contained unresolved claims that should be decided in light of the Supreme Court's historic decision.

The Supreme Court agreed. It recently granted the university's petition for writ of certiorari and vacated the lower court's judgment. It ordered the case back to the Fourth Circuit for further consideration in light its June decision.

Liberty University, a Christian educational institute, challenges the individual and employer health insurance mandates under the PPACA, primarily on religious grounds. It argues that the PPACA, namely provisions regarding contraception and abortion, violates its rights to Free Exercise of Religion and Free Association, guaranteed under the [First Amendment](#); its rights to Equal Protection under the Fifth Amendment; and the rights to be free from governmental violation of the Establishment Clause of the First Amendment, among other arguments.

A three-judge panel from the Fourth Circuit Court of Appeals previously rejected the lawsuit as premature. The panel found that because the individual mandate is a tax (as the Supreme Court later found); the Anti-Injunction Act prohibits the plaintiffs from challenging the mandate until the "tax" is collected in 2014.

The Fourth Circuit will now have to reconsider all of the issues raised by Lynn University anew. Once it renders a decision, the next stop for the case will likely be the U.S. Supreme Court.

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