

Van Hollen Declares Federal Health Law 'Dead' In Wisconsin

Source: McClatchy-Tribune Information Services

Feb. 03--States around the country are debating the meaning of a judge's recent ruling against the new federal health care law, but Wisconsin Attorney General J.B. Van Hollen already has declared the law null and void here.

"For Wisconsin, the federal health care law is dead -- unless and until it is revived by an appellate court," Van Hollen said in a statement this week. "Effectively, Wisconsin was relieved of any obligations or duties that were created under terms of the federal health care law."

Wisconsin was one of 26 states to join the legal challenge that prompted Monday's opinion by U.S. District Judge Roger Vinson in Pensacola, Fla., that the law is unconstitutional because it goes too far in requiring most Americans to buy health insurance or face penalties.

Vinson's ruling is one of four by federal judges, who have reached vastly different conclusions. The two Republican appointees have deemed it unconstitutional while the two Democratic appointees have declared it constitutional.

The U.S. Justice Department plans to appeal. Both sides agree it will ultimately be decided by the U.S. Supreme Court.

If Van Hollen is right and the entire law is tossed out, Wisconsin would not have to implement the law requiring states to create insurance marketplaces known as health care exchanges. States also wouldn't have to expand Medicaid coverage or oversee new rules on private insurers.

It could also give Gov. Scott Walker and lawmakers greater power to cut existing state health care programs, such as Badger Care Plus, to fix the state's budget deficit. Walker last week created a new Office of Free Market Health Care that will fight health care reform. Walker's spokesman praised Vinson's ruling in a statement Thursday.

If Van Hollen is wrong and Wisconsin doesn't carry out parts of the health care law, the state could lose federal money and face a federal takeover of some activities.

Supporters of the federal health care reform law slammed Van Hollen's comments, accusing the state's top lawyer of jumping to conclusions about the nearly one-year-old health care law, most of which takes effect in 2014.

"It's ground zero here," Robert Kraig, executive director of Citizen Action of Wisconsin. "The attorney general is taking the most extreme position in the country."

But in a few other states that are party to the litigation, Republican lawmakers also suggested the law is effectively null as a result of the judge's ruling. Others, however, said it's too early to stop carrying out the law.

"We'll be required to move forward until such time relief is granted or an appellate decision is finalized," Gov. Nathan Deal of Georgia was quoted as saying in The New York Times.

Kraig called it "shockingly inappropriate to jump in ahead of the U.S. Supreme Court." And he urged the Walker administration to promise Wisconsin residents that it will continue to push for improvements to health care coverage and keep implementing the federal law.

States must declare an intent to form exchanges by Jan. 1, 2013 -- and have them ready a year later -- or the federal government will step in and run them.

The law also requires states to expand Medicaid coverage, or maintain their already expanded coverage, or risk losing some federal contributions to the state-federal health plan for the poor.

States are also supposed to oversee several aspects of the law, such as making sure private insurers lift lifetime coverage caps and stop banning people with pre-existing conditions from enrolling.

To see more of The Wisconsin State Journal, or to subscribe to the newspaper, go to <http://www.wisconsinstatejournal.com>.

Copyright (c) 2011, The Wisconsin State Journal

Distributed by McClatchy-Tribune Information Services.