The Associated Press is reporting today that the U.S. Circuit Court of Appeals for the District of Columbia will have all its full panel of judges re-hear the challenge to granting subsidies for health insurance purchase in the states that have not implemented state-based health insurance exchanges.

The initial ruling had come from a three-judge panel and called into question the legality of the subsidies in the majority of states where the federal government is administering the exchanges. That same day another panel of appellate judges in Richmond, Virginia, sided with the Obama administration.

Many people thought the dueling rulings might drive the Supreme Court to take up the issue. Instead the D.C. Circuit Court of Appeals will hear the issue on December 17.

If the court rules the subsidies are permissible in all 50 states, regardless of the administrative home of the health insurance exchange, Supreme Court action is less likely. If the appellate court rules against the subsidies then the Supreme Court could weigh in. The AP reports that under that scenario, the Supreme Court justices would not rule until at least spring of 2016.