

# Obama administration offers new rules for religious objections to health care law (Update)

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Employees of companies opposed to contraception coverage would get products through a 3rd party.

(HealthDay News) — Responding to a Supreme Court ruling handed down late in June, the Obama administration on Friday proposed a compromise path that it said would allow women to obtain contraceptives through their health plan, while respecting the views of companies that objected to the provision on religious grounds.

"Women across the country deserve access to recommended preventive services that are important to their health, no matter where they work," Health and Human Services Secretary Sylvia Burwell said in an agency news release. "Today's announcement reinforces our commitment to providing women with access to coverage for contraception, while

respecting religious considerations raised by nonprofit organizations and closely held for-profit companies."

Under the Affordable Care Act health plans must offer at no extra charge all forms of birth control for women that have been approved by federal regulators.

The issue has been a prime legal battleground for those who support or oppose the Act, often called Obamacare. On June 30, the U.S. Supreme Court ruled that family-owned companies don't have to comply with a provision of the Act that requires them to offer insurance coverage for contraception if that requirement violates their religious principles.

The 5-4 decision was in response to lawsuits filed by two companies—Hobby Lobby Stores Inc. and Conestoga Wood Specialties Corp.—that argued that the Affordable Care Act's birth control provision ran counter to their religious views.

Hobby Lobby Stores is owned by the Green family, who are evangelical Christians. The Oklahoma-based company—with more than 15,000 full-time workers in approximately 600 stores in 41 states—and the Green family said their "religious beliefs prohibit them from providing health coverage for contraceptive drugs and devices that end human life after conception," the *Associated Press* reported.

Pennsylvania-based Conestoga Wood Specialties is owned by a Mennonite family. The company makes wood cabinets and has 950 employees.

The new administration proposals issued Friday offer up a "balance" between the two concerns, the HHS said, addressing not only the religious objections of nonprofits who might offer employees health insurance, but also those of so-called "closely held for-profit entities"

such as Hobby Lobby, where a family owns the business and shares are not publicly traded.

For both nonprofits and "closely held" businesses with religious objections to contraceptive coverage, the government is asking that the companies inform HHS in writing of their objections.

In the case of nonprofits such as religious colleges, the U.S. federal government "will then notify insurers and third-party administrators so that enrollees in plans of such organizations receive separate coverage for contraceptive services, with no additional cost to the enrollee or the employer," HHS said.

The new proposal sidesteps the necessity of the nonprofit religious organization reaching out to the insurance company itself—something these organizations felt still made them complicit in the provision of contraceptive care. Instead, the federal government will take on that responsibility.

The government is also extending exemption to contraceptive coverage to "closely held" business entities. "Under the proposal, these companies would not have to contract, arrange, pay or refer for contraceptive coverage to which they object on religious grounds," HHS said.

In each case, women who are working for the nonprofit or "closely held" company would still be able to access coverage for contraceptives, but through a third party, not the organization or company itself, HHS said.

The contraceptive methods opposed by Hobby Lobby and Conestoga Wood Specialties include the emergency contraceptives Plan B and ella, and two intrauterine devices (IUDs). The companies said they objected to such birth control measures because they block a fertilized egg's ability to attach to the uterus.

Hobby Lobby and Conestoga Wood Specialties said they were willing to cover contraceptives that do not involve a fertilized egg, the *AP* said.

Nearly 50 other businesses had joined the lawsuit, the *AP* reported.

The Supreme Court had emphasized that the June 30 ruling only applies to companies under the control of just a few people where there's no real difference between the business and its owners—basically, family-owned companies, the news service said.

Justice Samuel Alito wrote the majority opinion. He said the decision is confined to contraceptives under the health care law, the *AP* reported. "Our decision should not be understood to hold that an insurance-coverage mandate must necessarily fall if it conflicts with an employer's religious beliefs," he said.

*The New York Times* reported that the ruling raises the possibility of challenges from other companies to laws that may be said to violate their religious beliefs.

The Supreme Court's decision is the first time that the high court has ruled that profit-seeking businesses can hold religious views under federal law.

Under the Affordable Care Act, the controversial health-reform law signed by President Barack Obama in 2010, contraception is among preventive services that must be provided at no extra charge.

Numerous groups—including approximately 200 Catholic employers, archdioceses and organizations—had been granted a temporary exemption from the contraception provision, pending the Supreme Court's decision.

In March, the Catholic Benefits Association—which includes archdioceses, an insurance company and a nursing home across almost 2,000 Catholic parishes nationwide—filed a lawsuit stating that the provision was a violation of its religious objections to contraception and abortion-inducing drugs, the *AP* reported.

**More information:** To learn more about the Affordable Care Act's contraception provision, visit [HealthCare.gov](http://HealthCare.gov).

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