

Only Religious Exemptions to the PPACA Contraception Mandate

The Patient Protection and Affordable Care Act (PPACA) requires employers to offer health insurance that covers contraception. In July 2013, the Supreme Court ruled that employer group plans of religious employers, such as the churches or other houses of worship, are exempt from having to provide contraceptive services.

The Case

In a recent court case, the Third Circuit Court of Appeals affirmed a lower court's decision that limited that exemption to religious grounds. In the case, Real Alternatives, a non-profit that according to their mission statement provides "life-affirming pregnancy and parenting support services" sued the Department of Health and Human Services (HHS) based on moral rather than religious objections to the contraceptive mandate. The Appeals Court examined two issues: "(1) whether the contraceptive mandate must exempt a secular anti-abortion group with no religious affiliation, and (2) whether an employee's religious beliefs are substantially burdened by the law's requirement that his or her employer's insurance plan cover contraceptives".

The Ruling

The Court determined that because the plaintiff is not part of a comprehensive religious belief system, and is instead a single-issue interest group, they were not eligible to use the religious entity exemption. The Court also found that an employee's religious rights were not infringed upon because they were not compelled to use the contraceptive coverage benefit.

The Third Circuit covers Delaware, New Jersey, Pennsylvania, and the U.S. Virgin Islands. This ruling applies only to those areas, but it does set a precedent for future rulings, which may have a broader effect.

Going Forward

A proposed draft interim rule is currently being reviewed by The Office of Management and Budget that would allegedly expand the religious exemption to cover organizations that have moral objections to contraceptive coverage. The draft would allow organizations to exclude contraceptive coverage from their employer-sponsored group plans and allow individuals who object to the coverage on either religious or moral grounds to purchase insurance without contraceptive coverage.

What This Means for Counties

This area of law is currently in flux. Currently, only religious organizations are exempted from the contraceptive mandate on employer-sponsored group health plans. CTSI is monitoring the situation and will keep you informed of any changes that will affect your health plans. Please contact the County Health Pool at 303 861 0507 if you have any questions about the coverage offered by your insurance plan. 