

HEALTH CARE ALERT

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Overview of the Protect Women's Health from Corporate Interference Act of 2014

By Ned Milenkovich and Vanessa Burrows

Yesterday, Senate Democrats introduced the [Protect Women's Health from Corporate Interference Act of 2014](#), which would apply to group health plans, plan sponsors, and health insurance issuers. The bill responds to the United States Supreme Court's June 30th decision in [Burwell v. Hobby Lobby Stores, Inc.](#), which held that federal regulations requiring health insurance coverage of contraception by closely held corporations violated the Religious Freedom Restoration Act of 1993 (RFRA). The "Protect Women's Health" bill would require coverage of [specific health care items and services](#) (including contraceptive methods for women without cost sharing, such as a co-pay or deductible) by any employer that establishes or maintains a group health plan for its employees. Coverage would be applicable regardless of the RFRA.

Specifically, the legislation provides that any employer that establishes or maintains a group health plan for its employees cannot deny coverage of a health care item or service, if coverage of the health care item or service is required by federal law or regulation. Current law requires coverage of certain preventive health care items and services (such as immunizations, contraception, breastfeeding supplies, and well-woman visits) without cost sharing requirements. The bill would also prohibit employers with group health plans from denying coverage for any covered dependents of those employees.

Existing federal health, labor, and tax regulations on accommodations with respect to contraceptive coverage for group health plans established or maintained by religious non-profit employers would continue to apply. The "Protect Women's Health" bill permits modification of such regulations by the appropriate agency, consistent with the purposes of the legislation, one of which recognizes exemptions for houses of worship and accommodations provided for religiously-affiliated nonprofits with objections to contraceptive coverage.

Non-compliance by group health plans, plan sponsors, and health insurance issuers would subject such entities to potential penalties and other enforcement mechanisms of the Internal Revenue Code, the Employee Retirement Income Security Act (ERISA), and the Public Health Service Act.

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