



## Healthcare Crossroads: What's an Employer To Do?

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Bob Christenson's article "Healthcare crossroads: What's an Employer To Do?" was featured on *Inside Counsel* on October 1, 2014.

Employers around the country are at a healthcare crossroads, as more Obamacare employer mandates come on line and court challenges to parts of the law heat up. In the past few months, two federal appellate courts have issued conflicting rulings with the potential to gut the law and eliminate the requirement that employers pay a penalty tax if they do not provide certain levels of health coverage for employees. And, in a more limited ruling, the U.S. Supreme Court held in its *Hobby Lobby* decision that for-profit corporations with religious objections could not be forced by the law to provide healthcare coverage that included certain forms of contraception.

In the article, Bob urges employers to understand the resulting consequences for their health plans due to the recent Supreme Court's ruling.

Bob states that *Hobby Lobby* will likely be extended so that for-profit, closely held corporations will be able to avoid all contraceptive coverages that violate the sincere religious beliefs of their owners. Indeed, even before the *Hobby Lobby* decision was issued, the 7th and 10th Circuits had refused to overturn preliminary injunctions barring the government from enforcing Obamacare contraceptive requirements against several corporations expressing the sincere Catholic views of their owners who opposed all forms of artificial birth control. And, in certain cases similar to those raised by Justice Ginsburg, there may be room for further limitations on Obamacare mandates. But even those attacks are aimed only at small parts of Obamacare, and do not threaten the overall statute. Moreover, it may be that plaintiffs will be unable to show that the government has less restrictive options to enforce its compelling interests in these cases.

To read the full article, please visit [Inside Counsel](#).

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