

Moral Convictions Exemptions Under ACA Expanded

On November 7, 2018, the Departments of Health and Human Services, Treasury, and Labor (the Departments) announced two final rules that provide conscience protections to Americans who have a religious or moral objection to health insurance that covers contraceptive methods, including certain contraceptives that many view as abortifacients, and/or sterilization procedures.

Background

Under ACA, employer-provided health insurance plans are required to cover certain "preventative services" which were defined through guidance as "...including all contraception methods approved by the Food and Drug Administration," including methods viewed by some individuals and employers as abortifacients, and sterilization procedures.

Final Ruling

This "moral conviction" final rule gives nonprofit organizations, small businesses, and individuals that have nonreligious moral convictions opposing services covered by the contraceptive mandate legal protections similar to those afforded religious organizations and businesses.

The regulations exempt entities and individuals from providing an otherwise mandated contraceptive item (or an item or services which they consider to be abortifacient) to which they object on the basis of their moral conviction.

The expanded list of entities now includes:

- Churches, integrated auxiliaries, and religious orders with religious objections;
- Nonprofit organizations with religious or moral objections;
- For-profit entities that are not publicly traded, with religious or moral objections;
- For-profit entities that are publicly traded, with religious objections;
- Other nongovernmental employers with religious objections;
- Nongovernmental institutions of higher education with religious or moral objections;
- Individuals with religious or moral objections, with employer sponsored or individual market coverage, where the plan sponsor and/or issuer (as applicable) are willing to offer them a plan omitting contraceptive coverage to which they object;
- Issuers with religious or moral objections, to the extent they provide coverage to a plan sponsor or individual that is also exempt.

The government estimates the exemptions granted by the final rule should affect only a small number of additional employers. Nevertheless, employers now have the legal right to withhold certain medical benefits to employees based on their moral beliefs.

To learn more about this visit:

<https://www.hhs.gov/about/news/2018/11/07/fact-sheet-final-rules-on-religious-and-moral-exemptions-and-accommodation-for-coverage-of-certain-preventive-services-under-affordable-care-act.html>

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