

American College of Physicians Reacts to Supreme Court Decision on the Affordable Care Act's Coverage Mandates

Attributable to:

David A. Fleming, MD, FACP

President of the American College of Physicians (ACP)

June 30, 2014

(Washington) – The American College of Physicians (ACP) is deeply concerned about the adverse impact on healthcare that may result from today's Supreme Court ruling that allows "closely held" for-profit employers to opt-out of evidence-based contraceptive coverage requirements. We believe that this decision will make it more difficult for women to access affordable contraceptives, and potentially, open the door for for-profit employers to seek additional exemptions from other evidence-based coverage requirements established by the Affordable Care Act (ACA).

As a result of the ACA's mandated benefits, millions of Americans may now access services such as flu shots, cancer screenings, wellness visits, and tobacco use cessation care, at no cost. According to the U.S. Department of Health and Human Services, 71 million Americans received expanded evidence-based preventive service coverage without cost sharing in 2011 and 2012 as a result of the ACA. Since implementation of the women's preventive health benefit, women have saved millions of dollars in out-of-pocket costs for contraception and may now access a wider variety of high-quality care options.

ACP's concern about the potential impact of the Supreme Court decision is grounded on our long-standing policy that all Americans should have coverage for evidence-based medical care services, including preventive services like contraception. We have no position or expertise on the legal arguments and precedents involved in the Hobby Lobby case (*Burwell, Secretary of Health and Human Services et al. v. Hobby Lobby Stores Inc, et al*); our expertise is based on the potential impact of the decision on public health, and specifically, the adverse health impacts on the patients seen by the 137,000 internal medicine specialists and medical students who are members of ACP. We are concerned that allowing employers to carve-out exemptions to the ACA's requirements that health insurance plans cover evidence-based preventive services without cost-sharing, *including but not necessarily limited to contraception*, will create substantial barriers to patients receiving appropriate medical care as recommended by their physicians.

We acknowledge that the Supreme Court has stated that, "This decision concerns only the contraceptive mandate and should not be understood to hold that all insurance-coverage mandates e.g., for vaccinations or blood transfusions, must necessarily fall if they conflict with an employer's religious beliefs." Allowing for-profit employers to exclude coverage for contraception is itself deeply concerning because of the demonstrated adverse impact it will have on women's health. And, although we certainly *hope* that the Supreme Court's decision does not result in for-profit employers obtaining exemptions for vaccinations and other evidence-based benefits, the ruling clearly *does not preclude* for-profit employers

from *challenging* such mandates, or the courts from *granting* further coverage exemptions. Rather, it seems likely that the Supreme Court's decision will open the door for more for-profit employers to seek exemptions from the ACA's other insurance-coverage mandates on the basis that they violate their owners' beliefs.

ACP reaffirms its support for requiring insurance plans and products—whether purchased by an individual, through a fully-insured group plan, or a self-insurance arrangement—to cover evidence-based preventive services without cost sharing. We urge the administration, Congress, and other policymakers to work together to develop a remedy that ensures that women are not denied access to no-cost contraception as a result of the Supreme Court's ruling, and more broadly, to ensure that all Americans will have access to coverage for evidence-based medical care as recommended by their physicians.

The [American College of Physicians](#) is the largest medical specialty organization and the second-largest physician group in the United States. ACP members include 137,000 internal medicine physicians (internists), related subspecialists, and medical students. Internal medicine physicians are specialists who apply scientific knowledge and clinical expertise to the diagnosis, treatment, and compassionate care of adults across the spectrum from health to complex illness. Follow ACP on [Twitter](#) and [Facebook](#).