



Mealey's® Health Care Coverage and the ACA

Mealey's Health Care Coverage and the ACA follows federal and state court litigation involving the Patient Protection and Affordable Care Act, including challenges to the law and its implementation. The reports also covers federal and state regulatory and legislative developments, as well as guidance and rulings by administrative agencies tasked with implementing the ACA.

Litigation Snapshot

Coverage of topics are as far-ranging as the future federal funding of parts of the litigation to how different aspects of the law interact with various state laws. Trends include challenges to the implementation of the contraceptive mandate's accommodation for nonprofit religious objectors, whether the ACA's ban on benefit caps applies to self-insured plans and how the ACA interacts with state law, congressional funding battles, as well as whether and when data about ACA plans should be publically available.

Areas of Coverage

- » Litigation involving health care services companies, including hospitals, health insurers, physicians groups, and medical suppliers
- » Patient Protection and Affordable Care Act
- » Health care regulation and policy developments
- » Medicare/Medicaid
- » False Claims Act
- » Reimbursement disputes
- » Fraud and compliance
- » Labor and employment issues
- » Stark law and anti-kickback issues
- » HIPAA and patient rights issues
- » Medical malpractice and professional liability
- » Personal injury and product liability
- » Securities issues and disputes

Who Needs to Know

- » Health care lawyers
- » Health care companies — providers, payors and insurers
- » Corporate counsel
- » Compliance officers
- » Regulators and enforcement officials

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Sample Newsletter and Section News

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 Cc:
 Subject: Mealey's Health Care Coverage and the ACA, October 2015, Volume 2, Issue 8

SECTION HEADER

Links to the topical section of Lexis Legal News.

Lexis® Legal News

MEALEY'S HEALTH CARE / ACA

Origination Challenges

Court Told ACA Raises Revenue, Origination Clause Issues
 WASHINGTON, D.C. — A panel decision rejecting a Patient Protection and Affordable Care Act (ACA) challenge fashioned a “dangerously flawed new rule for the application of the Origination Clause” and requires the U.S. Supreme Court’s attention, a man told the high court on Oct. 26 (Matt Sissel v. United States Department of Health and Human Services, et al., No. NA, U.S. Sup.).

Funding

Judge Nixes Immediate Appeal In ACA Funding Challenge
 WASHINGTON, D.C. — The interests of justice mean the government must wait to appeal a ruling allowing the U.S. House to proceed with some of its Patient Protection and Affordable Care Act (ACA) funding challenge, a federal judge held Oct. 19 (United States House of Representatives v. Sylvia Mathews Burwell, et al., No. 14-1967, D. D.C.).

Birth-Control Mandate

Supreme Court Once Again Faced With Decision Over ACA Challenge
 DENVER — At its Oct. 30 conference the U.S. Supreme Court will debate whether to once again wade into a dispute over the Patient Protection and Affordable Care Act (ACA) when it confronts four groups’ challenges to the process for opting out of the law’s contraceptive mandate (Little Sisters of the Poor Home for the Aged, Denver Colorado, et al. v. Sylvia Burwell, et al., 15-1502, W.D. Mich.).

ARTICLE HEADLINE

Links to the full article, related stories, related documents and comments section.

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November 4, 2015
Judge Finds ACA Narrative Requirement Passes Chevron Analysis
 WASHINGTON, D.C. — The government acted within the meaning of the Patient Protection and Affordable Care Act (ACA) in issuing a rule requiring doctors to provide a narrative explanation of their meetings with homebound patients prior to reimbursement from Medicare, a federal judge in the District of Columbia held Nov. 3 (National Association for Home Care & Hospice Inc. v. Sylvia Mathews Burwell, secretary, U.S. Department of Health and Human Services, et al., No. 14-950, D. D.C., 2015 U.S. Dist. LEXIS 148456).

November 2, 2015
West Virginia Lacks Standing In ACA Administrative Fix Challenge, Judge Says
 WASHINGTON, D.C. — West Virginia allegations arising from the administration’s decision allowing states power over enforcement of certain individual health insurance standards does not allege injury sufficient for standing, a federal judge in the District of Columbia held Oct. 30 (State of West Virginia v. United States Department of Health and Human Services, No. 14-1287, D. D.C., 2015 U.S. Dist. LEXIS 147338).

October 28, 2015
Judge Grants Summary Judgment Based On 6th Circuit ACA Precedent
 GRAND RAPIDS, Mich. — Sixth Circuit case law bars a right-to-life group’s challenge to the Patient Protection and Affordable Care Act (ACA) contraceptive mandate process, a federal judge in Michigan held Oct. 27 (Right to Life of Michigan v. Sylvia Mathews Burwell, et al., No. 15-1202, W.D. Mich.).

October 27, 2015
Supreme Court Once Again Faced With Decision Over ACA Challenge
 DENVER — At its Oct. 30 conference the U.S. Supreme Court will debate whether to once again wade into a dispute over the Patient Protection and Affordable Care Act (ACA) when it confronts four groups’ challenges to the process for opting out of the law’s contraceptive mandate (Little Sisters of the Poor Home for the Aged, Denver Colorado, et al. v. Sylvia Burwell, et al., 15-1502, U.S. Sup.).

October 27, 2015
ACA Created Co-Op Seeded With \$174.4M To Cease Business
 NEW YORK — Health Republic Insurance of New York, which received \$174.4 million in government funds and was one of the largest co-op health insurers created under the Patient Protection and Affordable Care Act (ACA), will shut its doors Dec. 31, according to officials.

October 27, 2015
ACA Allows Vet’s Private Discrimination Action Against Pharmacy, Judge Says
 CHARLESTON, S.C. — The Patient Protection and Affordable Care Act (ACA) creates a private right of action for discrimination that extends over retail pharmacies, a federal judge in South Carolina held Sept. 29 (Jimmie Callum Jr. v. CVS Health Corp., et al., No. 14-3481, D. S.C., 2015 U.S. Dist. LEXIS 130809).

October 27, 2015
Court Told ACA Raises Revenue, Origination Clause Issues
 WASHINGTON, D.C. — A panel decision rejecting a Patient Protection and Affordable Care Act (ACA) challenge fashioned a “dangerously flawed new rule for the application of the Origination Clause” and requires the U.S. Supreme Court’s attention, a man told the high court on Oct. 26 (Matt Sissel v. United States Department of Health and Human Services, et al., No. NA, U.S. Sup.).

October 23, 2015
States’ Suit Seeks Nearly \$150M In Allegedly Unconstitutional ACA Taxes
 AUSTIN, Texas — The Patient Protection and Affordable Care Act (ACA) unconstitutionally failed to provide clear notice of nearly \$150 million in taxes, states allege in a suit filed Oct. 22 in a federal court in Texas (State of Texas, State of Kansas, State of Louisiana v. United States of America, et al., No. 15-151, N.D. Texas).

October 23, 2015
GAO: ACA Marketplaces Approved 17 Of 18 Fictitious Applicants
 WASHINGTON, D.C. — Federal or state Patient Protection and Affordable Care Act (ACA) marketplaces approved Medicaid or subsidized health plans for 17 of 18 fictitious applicants submitted to them in undercover auditing, the Government Accountability Office reported Oct. 23.

October 23, 2015
Insurer Tells High Court That Even After ACA, Vermont Law Violates ERISA
 WASHINGTON, D.C. — Vermont’s all-payer reporting database rans foul of the Employee Retirement Income Security Act and finds no support from the Patient Protection and Affordable Care Act (ACA), an insurer told the U.S. Supreme Court Oct. 13 (Alfred Gobeille, in his official capacity as chair of the Vermont Green Mountain Care Board v. Liberty Mutual Insurance Co., No. 14-181, U.S. Sup., 2014 U.S. Briefs 181).

October 22, 2015
CBO Sees Bill Repealing ACA Individual, Large-Employer Mandates As Saving Money
 WASHINGTON, D.C. — The U.S. House of Representatives’ Rules Committee sent to the House floor on Oct. 21 a bill seeking repeal of the individual and large-employer mandates as well as other portions of the Patient Protection and Affordable Care Act (ACA). A day earlier, the Congressional Budget Office (CBO) predicted that the legislation would likely decrease the deficit by \$130 billion between 2016 and 2025.

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Supreme Court Once Again Faced With Decision Over ACA Challenge Share on

(October 27, 2015, 12:47 PM ET) — DENVER — At its Oct. 30 conference the U.S. Supreme Court will debate whether to once again wade into a dispute over the Patient Protection and Affordable Care Act (ACA) when it confronts four groups’ challenges to the process for opting out of the law’s contraceptive mandate (Little Sisters of the Poor Home for the Aged, Denver Colorado, et al. v. Sylvia Burwell, et al., 15-1502, U.S. Sup.).

Little Sisters of the Poor Home for the Aged, Denver, Colorado, and Little Sisters of the Poor, Baltimore, Md., along with Christian Brothers Services and Christian Brothers Employee Benefit Trust, sued the U.S. government and various agencies, claiming that the ACA infringed on deeply held religious beliefs by requiring employers that offer health plans to meet certain minimum coverage requirements — specifically, that health insurance include coverage for certain contraceptives the plaintiffs contend act as abortifacients.

Accommodation

The plaintiffs also opposed the ACA accommodation for religious objectors. Under this policy, the plaintiffs notify their insurer of their objections, after which the insurer provides the coverage in question with reimbursement from the government. The plaintiffs argued that this process involved them in a scheme to provide the objectionable coverage and forced them to “trigger” the insurance coverage. Under subsequent regulations, objecting entities can notify the Department of Health and Human Services (HHS) of their objection, which then arranges for the insurer to provide the coverage. The plaintiffs complained that this process still implicated them in the provision of services to which they object.

The court denied the plaintiffs’ request for injunctive relief, and they appealed. The 10th Circuit U.S. Court of Appeals denied an injunction pending the appeal. The Supreme Court

Printable Version
 Documents
 Supreme Court petition in Little Sisters
 Government’s response
 Amicus brief by Catholic Benefits Association and Catholic Insurance Co.
 Amicus brief by Christian Missionary Alliance Foundation
 Amicus brief by Dominion Sisters of Mary, et al.
 Petition in Roman Catholic
 Petition in East Texas
 Response in East Texas
 Petition in Geneva College
 Related
 Sections
 Mealey's Health Care / ACA 58

