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Preserve flexibility in health plans

Neither Obama administration nor Right to Life should dictate what specific coverage employers offer

No matter how much the Obama administration would like Americans to be happy with the new health care law, the pushback isn't going away. A challenge to one of Obamacare's mandates is headed to the Supreme Court, and it's a good example of why government shouldn't dictate what individuals and individual employers must do — especially when it comes to their religious liberty.

The issue of how birth control and abortion is covered by insurance policies is surfacing both nationally and in Michigan.

Last week, the Supreme Court agreed to take up two cases involving whether businesses can get out of the insurance requirement to cover birth control because of the company management's religious objections. Obamacare requires most employers that offer health insurance to provide a range of preventive health services for women, including contraception and sterilization.

The Becket Fund for Religious Liberty tracks the number of lawsuits against the mandates, and so far there have been more than 80 filed — 44 from for-profit companies and 40 from nonprofits.

One of the cases the court will look at is the suit from Oklahoma-based Hobby Lobby. The craft store chain, owned by a Christian family, has prevailed in the lower courts in its claim that the contraception mandate violates its religious freedom.

Sarah Torre, a policy analyst with the Heritage Foundation, says a significant number of these cases have had rulings in favor of preserving the religious rights of the people behind the businesses or organizations.

"It's a serious trampling on religious freedom," Torre says.

The White House feels like it has conceded enough to religious groups by exempting churches and offering some accommodations to faith-based nonprofits. But that has not satisfied all the religious groups.

The Michigan Catholic Conference recently filed a suit similar to Hobby Lobby's in federal court against the Department of Health and Human Services.

"The complaint challenges the HHS mandate on the grounds that it violates longstanding religious liberty protections by forcing religious employers to facilitate coverage of morally objectionable services," according to a Catholic Conference press release.

A handful of Michigan businesses, including Domino's Farms, have also filed suits.

The Obamacare mandates do not apply to "religious employers," as defined by the federal government.

Yet while the Catholic Conference meets that standard, the Catholic Charities Diocese of Kalamazoo, for example, does not — the same goes for many other nonprofit employers around the state.

The government shouldn't be in the business of deciding what violates religious conscience. Many see this as a direct affront to their faith and their First Amendment rights. As Attorney General Bill Schuette stated, "Any rule, regulation or law that forces private job-creators to violate their free exercise of religion is a flat-out violation of the Constitution."

Similarly, government shouldn't interfere if an employer *wants* to provide specific coverage to its employees.

Right to Life of Michigan has collected enough signatures to push a citizen-initiated bill before the Legislature that would prohibit abortion coverage as a standard option in insurance policies.

Lawmakers could vote on it before the end of the year.

The proposal would make abortion coverage a separate rider on all private and public health insurance plans.

If lawmakers don't take up the proposal, it would go before voters on the statewide ballot in 2014.

Gov. Rick Snyder rightly vetoed a similar bill last year in part because he thought it interfered in the private marketplace. It was a good call.

Employers should enjoy flexibility in the insurance options they offer.

They should neither be forced to or prevented from covering specific treatments and procedures.