

FYI[®] Alert

For Your Information[®]

Dobbs v. Jackson – the Supreme Court’s decision to overturn Roe v. Wade will immediately impact employer health plans

On June 24th, the U.S. Supreme Court’s decision in *Dobbs v. Jackson Women’s Health Organization* effectively overturned the landmark 1973 abortion rights decision in *Roe v. Wade*. This will have profound implications for employer-sponsored benefit plans that cover abortion benefits in a number of states.

Background

Today the U.S. Supreme Court (Court) issued its decision in *Dobbs v. Jackson Women’s Health Organization* on the legality of a Mississippi state law that bans persons from knowingly performing or inducing an abortion after 15 weeks (except in cases of a medical emergency or severe fetal abnormality). The *Dobbs* decision, which overturned *Roe* in holding that the U.S. Constitution does not confer a right to abortion, allows each state to decide whether and how to restrict or ban abortion. *Dobbs* makes anti-abortion laws immediately effective in a number of states and signals the rapid enactment of additional state laws responsive to today’s decision.

Implications for employer-sponsored health plans

Political and personal views aside, all group health plans providing any form of abortion-related coverage or exclusion (including coverage for procedures deemed “medically necessary”) must be reviewed relative to applicable state laws. With respect to states prohibiting abortion coverage, this will present a significant challenge for group health plans seeking to offer abortion coverage as related services will be largely

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Hold the date

Buck is hosting a webinar titled **Impact of the Supreme Court decision on abortion benefits: Employer implications and employee communication strategies** on Wednesday, July 27, 2022 at 1:00 p.m. ET. Registration details to follow.

unavailable in roughly half the states. Other states will likely implement or strengthen laws protecting abortion rights, potentially creating concerns for group health plans that wish to exclude such coverage.

As the implications of this decision unfold, much remains unknown and will greatly depend on the actions of states in which employers operate and employees reside and/or seek medical treatment. For a summary of some of the key legal and policy considerations for employers, see our [May 27, 2022 FYI](#).

Buck's Compliance Consulting Practice will issue a more detailed *FYI* outlining the impact on employer sponsored health plans and potential next steps upon further analysis of the *Dobbs* decision.

Considering a travel benefit?

Many employers are considering adding a travel benefit to help cover expenses to travel to another state that allows abortion treatment. However, in addition to reviewing applicable federal laws as well as each state's evolving laws that could impact this type of benefit, it is also important to discuss with your medical carrier, TPA or EAP what travel benefits they are able and willing to administer.

In closing

This decision will have lasting and significant implications on the provision of and access to abortion coverage in the United States and will create a series of considerations for employers. Millions of Americans rely on the healthcare benefits provided by their employers, including coverage for abortion services. We expect this will be a rapidly evolving issue with significant implications to group health plan sponsors, as well as employers more generally. Varying application of abortion laws and access to medical treatment across the states will require in-depth analysis, particularly for large, multistate employers. Buck will monitor the implications that this decision may have for employers and employee benefit plans and provide additional information and insights to keep clients apprised of these significant developments.

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