

**Supreme Court Grants Certiorari in Affordable Care Act Subsidy Case:** The U.S. Supreme Court will hear the case of *King v. Burwell*, which upheld regulations adopted by the Internal Revenue Service (“IRS”) under the Affordable Care Act (“ACA”). In *King v. Burwell*, the United States Court of Appeals for the Fourth Circuit upheld IRS regulations which allow premium tax credits to be granted to persons who purchase health insurance coverage using either exchanges established by the individual states, or by the federal government via HealthCare.gov, with respect to states which have not established their own exchanges. The plaintiffs argued that statutory language calculating the amount of the credit according to the cost of a policy which the taxpayer “enrolled in through an Exchange established by the State” precludes credits where a policy has been purchased via a federal exchange. While the Obama Administration is adamant that the law’s intent was to offer subsidies and expand coverage to Americans in every state, opponents of the legislation seek to have this clause interpreted literally. As there are sharply differing interpretations, the U.S. Supreme Court will decide how this clause is to be construed. The eventual ruling might affect millions of Americans across multiple states, as many states have not created their own exchanges, and a decision invalidating the IRS regulations would result in residents of those states not receiving federal subsidies.

**HIPAA Privacy in Emergency Situations:** In response to the introduction of Ebola to the United States, and the resulting concerns of health care providers and the public, the U.S. Department of Health and Human Services, Office for Civil Rights (the “OCR”) has released a bulletin reminding health care providers of important privacy protections that must be afforded to all patients, even in an emergency situation that may involve Ebola. All physicians and providers should review the circumstances which rise to the level of a threat to public health and under which they are permitted to disclose protected health information. The bulletin also outlines what types of information physicians and providers are permitted to disclose, when doing so in order to protect public health. The complete bulletin can be downloaded here: <http://ow.ly/EgPKQ>.

**Horizon Blue Cross Blue Shield of New Jersey to Offer Products on Federal Exchange in 2015:** Horizon Blue Cross Blue Shield of New Jersey (“Horizon”) announced earlier this week that it plans to offer new products for 2015 on the Federal Health Insurance Market, including a “patient-centered plan” offering lower premiums and out-of-pocket costs. The patient-centered plan requires Horizon plan members to obtain services from one of more than 3,700 doctors in the state’s network of patient-centered practices focused on more coordinated care. Horizon will offer 2 Gold, 4 Silver and 2 Bronze products, along with the Horizon Essentials plan. All Horizon products are Exclusive Provider Organization (EPO) plans that allow consumers to select between two plans. One plan provides consumers with access to the largest hospital and doctor networks in the state, while the other plan offers consumers lower premiums with the state’s largest hospitals, but only a subset of Horizon’s primary care physician and specialist networks.

**Newark Officials Criticize Sale of Saint Michael’s Medical Center:** Newark activists and city leaders are protesting the deal to sell Saint Michael’s Medical Center to a for-profit California firm, Prime Healthcare Services (“Prime”). The latest purchase offer from Prime is for \$43 million, which is more than \$20 million less than it originally offered. The chief concern among community officials and residents is that Prime’s written offer does not require that Saint Michael’s remain open for five years. Opponents of the sale of Saint Michael’s to Prime further allege that based on Prime’s reputation, the struggling hospital may drop insurance carriers, perform expensive out-of-network procedures and decrease the amount of charity medical care. Activists are further opposed to New Jersey residents being responsible for the potential \$190 million of debt that could result from the sale based on the Health Care Facilities Financing Authority’s state program that allows failing hospitals to close or be sold by covering the cost of unpaid bills. The New Jersey Department of Health is currently reviewing this deal.

For more information on the above items, contact Kern Augustine Conroy & Schoppmann, P.C. at 1-800-445-0954 or via email at [info@DrLaw.com](mailto:info@DrLaw.com).



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