

Court continues injunction protecting Little Sisters from HHS mandate

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The Supreme Court on Friday issued a three-sentence order affirming -- for the time being -- an injunction blocking enforcement against the Little Sisters of the Poor and the Christian Brothers of a mandate to provide contraceptive coverage in employee health insurance.

The order released late in the afternoon affirmed Justice Sonia Sotomayor's Dec. 31 order in the case. It temporarily blocks the federal government from requiring the Denver-based sisters and their co-plaintiffs at the Christian Brothers from having to meet that requirement of the Affordable Care Act.

"If the employer applicants inform the secretary of Health and Human Services in writing that they are nonprofit organizations that hold themselves out as religious and have religious objections to providing coverage for contraceptive services, the respondents are enjoined from enforcing against the applicants the challenged provisions of the Patient Protection and Affordable Care Act and related regulations pending final disposition of the appeal by the United States Court of Appeals for the 10th Circuit," the court said.

The requirement to provide coverage for contraceptives in employee health insurance does have an accommodation, or waiver, the government says would keep certain religious organizations from having to comply with the mandate.

The Little Sisters and the Christian Brothers had objected to being required to justify to the government that they should be entitled to an exemption from the mandate and that filling out the paperwork for a waiver that would instruct a third party to provide the contraceptive coverage amounts to them being part of the mechanism for providing abortion and other morally objectionable types of coverage.

"To meet the condition for injunction pending appeal, applicants need not use the form prescribed by the government and need not send copies to third-party administrators," the order said.

The court's order specified that the injunction "should not be construed as an expression of the court's views on the merits" of the religious groups' legal claims.