

OUR NEWS LETTER



Obamacare fate to be determined in Supreme Court

The Associated Press 03 Mar 2020 by Mark Sherman

The Supreme Court agreed Monday to decide a lawsuit that threatens the Obama-era health care law, a case that will keep health care squarely in front of voters even though a decision won't come until after the 2020 election.

The court said it would hear an appeal by 20 mainly Democratic states of a lower-court ruling that declared part of the statute unconstitutional and cast a cloud over the rest.

For the more than 20 million people covered under "Obamacare," nothing changes while the Supreme Court deliberates. The law's subsidized private insurance coverage and Medicaid expansion remain in place while the issues are litigated again.

Defenders of the Affordable Care Act argued that the questions raised by the case are too important to let it drag on for months or years in lower courts and that the 5th US Circuit Court of Appeals in New Orleans erred when it struck down the health law's now toothless requirement that Americans have health insurance.

The case will be the third major Supreme Court battle over the law since President Barack Obama signed it nearly 10 years ago, on March 23, 2010. The court has twice upheld the heart of the law, with Chief Justice John Roberts memorably siding with the court's liberals in 2012, amid Obama's reelection campaign. The majority that upheld the law twice remains on the court, Roberts and the four liberal justices.

The Trump administration's views on the law have shifted over time, but it has always supported getting rid of provisions that prohibit insurance companies from discriminating against people with existing health ailments. Even as the administration seeks to overturn "Obamacare" in court, President Donald Trump has claimed people with preexisting conditions would still be protected. Neither the White House nor congressional Republicans have specified how.

In Our Newsletter

[OBAMACARE FATE TO BE DETERMINED IN SUPREME COURT](#)

[HOW TO FIGHT MEDICARE FRAUD & PROTECT YOUR IDENTITY](#)

[HERE'S WHAT TO KNOW ABOUT THE CORONAVIRUS](#)

[HCSC RECOGNITION](#)

[WATCH OUT FOR CORONAVIRUS SCAMS](#)

[TAKE PREVENTIVE ACTION NOW AGAINST COVID-19](#)

[MEDICARE'S EXPANDED TELEHEALTH BENEFITS](#)

Congressional repeal narrowly failed in 2017, when the Republicans controlled the House and the Senate. Any repeal effort now would be blocked by the Democratic-led House under Speaker Nancy Pelosi.

The Supreme Court's review of the case guarantees that the fate of the health care law will be in the public's eye as the election approaches, even if the decision doesn't come until 2021.

The timing means written briefs from both sides will likely be due in the summer, and arguments could take place in early fall before the election, if the court follows its usual practice of scheduling cases. If that happens, audio snippets from the oral arguments would be available for campaign commercials, said Timothy Jost, a retired law professor for Washington and Lee University in Virginia and a supporter of the ACA.

"I think the Democrats will hammer away at the fact that the Trump administration is not defending the law, and basically arguing the whole thing should be invalidated," said Jost. "They'll focus on issues like pre-existing conditions and 20 million people losing health insurance."

Democratic presidential candidates agree on expanding coverage to the 28 million people who remain uninsured, even as they sharply debate how to do that. Former Vice-President Joe Biden and other moderates would build on the ACA, while Vermont Sen. Bernie Sanders wants to institute a new government health plan to cover all US residents, including those who now have private insurance.

"This case is a stark, life-and-death reminder how much is at stake this fall," Biden said in a statement.

The Democratic states had asked for a fast-track review with a decision by late June, before the 2020 elections in November. Instead, the justices probably will hear arguments in the fall, with a decision likely in the spring of 2021.

Still, California Attorney General Xavier Becerra welcomed the court's decision to take up the appeal.

"As Texas and the Trump Administration fight to disrupt our healthcare system and the coverage that millions rely upon, we look forward to making our case in defence of the ACA. American lives depend upon it," Becerra said in a statement.

The high court action takes the case out of the hands of a federal district judge in Texas who had previously struck down the entire law.

The new case stems from the 2017 passage of tax legislation that left in place the law's requirement that Americans carry health insurance but eliminated the financial penalty for not buying coverage. Congress made no other changes to the law.

Texas and other Republican-led states sued, arguing that the elimination of the penalty rendered the law's so-called individual mandate unconstitutional. US District Judge Reed O'Connor agreed, adding that the mandate was so central to the law that without it the rest of the law must fall, too.

While finding the health law's insurance requirement to be unconstitutional, the appeals court made no decision on such popular provisions as protections for people with preexisting conditions, Medicaid expansion and coverage for young adults up to age 26 on their parents' policies.

The 5th Circuit sent the case back to O'Connor to determine whether other parts of the law can be separated from the insurance requirement and thus remain in place.

University of Notre Dame law professor Richard Garnett said the high court's decision to "intervene now, and not -- as it could have -- to wait for the case to develop more below, suggests that the justices are skeptical about the challengers' sweeping argument that the entire Act is unconstitutional."

Besides expanding insurance coverage, the 900-page law also made many changes to other programs, including Medicare, community health centers and fraud-fighting. Sorting out whether some provisions could remain while others go with the insurance mandate would be a colossal effort.

The justices on Monday granted two different appeals, one from the Democratic states and the other from the Republican side, that essentially put all the issues in front of the court, from the insurance mandate to the validity of the entire law if the mandate does not survive. The court took no action on a separate appeal filed by the Democratic-led House of Representatives.

How to fight Medicare fraud & protect your identity

Happy National Consumer Protection Week! Now's a great time to take action to protect your identity and brush up on your Medicare rights and protections:

1. **Guard your card.** Identity theft can happen when someone uses your personal information without your consent to commit fraud or other crimes. Guard your Medicare Number and card, and keep your Social Security Number safe.
 2. **Help fight Medicare fraud.** Check your **eMSNs in your Medicare account** to stay on top of your claims. Not signed up to receive your **MSN electronically**? You can sign up today in your **Medicare account**. If you find errors or fraud in your MSN, **report it to us**. Don't have a Medicare account yet? Sign up for your free **Medicare account** today.
 3. **Know your rights.** You have certain rights and protections designed to make sure you get the health care services the law says you can get.
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Here's what to know about the Coronavirus

You've likely heard about the Coronavirus (officially called "2019-Novel Coronavirus" or "COVID-19") in the news. While there isn't a vaccine yet and the immediate health risk remains low, Medicare is still here to help.

Your Medicare Part B (Medical Insurance) [covers a test to see if you have Coronavirus](#). This test is covered when your doctor or a health care provider orders it, if you get the test on or after February 4, 2020. You usually pay nothing for Medicare-covered clinical diagnostic laboratory tests.

To prevent the spread of this illness or other illnesses, including the flu:

- Wash your hands often with soap and water,
- Cover your mouth and nose when you cough or sneeze,
- Stay home when you're sick, and
- See your doctor if you think you're ill.

Visit [The Centers for Disease Control website](#) for information on the Coronavirus.

Coronavirus test

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Ethisphere Institute Names Health Care Service Corporation one of the World's Most Ethical Companies® for 2020

HCSC Recognized for Cultivating Ethical & Compliant Workforce, Including Training Managers to Handle Employee Concerns Ethically

Feb. 25, 2020

CHICAGO – Health Care Service Corporation (HCSC), the largest customer-owned health insurer in U.S., has been recognized by the Ethisphere Institute as one of the 2020 World's Most Ethical Companies®.

This marks the fifth consecutive year that HCSC has received the World's Most Ethical Companies distinction. This award honors companies who achieve outstanding results in the areas of transparency, integrity, ethics and compliance. Companies are evaluated across five categories: Ethics and Compliance Program, Corporate Citizenship and Responsibility, Culture of Ethics, Corporate Governance, Leadership and Reputation.

“Our strong culture of ethics and compliance doesn't just come from the top down, but from across the organization. This is an important recognition of our values and ongoing commitment to integrity and the highest standards of conduct in everything we do,” said Tom Lubben, senior vice president and chief ethics, compliance and privacy officer, HCSC. “HCSC continues to cultivate trust and encourages employees to ask questions about company policies and procedures and speak up when they may suspect improper behaviors. We have developed a Manager's Map to provide tools, information and assistance to managers to help foster transparency and provide support to maintain ethical conduct as a business priority.”

According to a report from Gartner, a leading business research company, less than half (41%) of staff who witness misconduct at work are willing to come forward due to fear of retaliation. To help close the gap and encourage employee transparency, HCSC developed a Manager's Map that guides managers through a step-by-step process. The map gives managers a clear direction on how to ease an employee's fear of retribution and provide a resolution or next steps on how to reach a resolution if the problem must be escalated to others for assistance.

“Congratulations to everyone at Health Care Service Corporation for earning this recognition,” said Ethisphere's Chief Executive Officer, Timothy Erblich. “This is a moment to acknowledge the work to advance corporate cultures defined by integrity and affirm those companies contributing to broader societal imperatives and the greater good.”

Protect yourself from fraud

Scammers may use COVID-19 as an opportunity to steal your identity and commit Medicare fraud. In some cases, they might tell you they'll send you a Coronavirus test, masks, or other items in exchange for your Medicare number or personal information. Be wary of unsolicited requests for your Medicare number or other personal information.

It's important to always guard your Medicare card like a credit card and check your Medicare claims summary forms for errors. Only give your Medicare number to participating Medicare pharmacists, primary and specialty care doctors or people you trust to work with Medicare on your behalf. Remember, Medicare will never call you to ask for or check your Medicare number.

TAKE PREVENTIVE ACTION NOW AGAINST COVID-19

According to the CDC, older adults and people who have severe chronic medical conditions like heart, lung or kidney disease are at a higher risk of serious illness if they contract the COVID-19 virus. This means that most people with Medicare are at a higher risk.

Your health, safety, and welfare is our highest priority. In addition to practicing good everyday prevention through things such as hand washing and avoiding touching your face, the CDC says there is more you can do to take precautions against COVID-19 and **reduce your risk of exposure:**

- **Avoid crowds**, especially in poorly ventilated spaces with limited air circulation.
- **Defer all cruise ship travel worldwide**, particularly if you also have underlying health issues.
- **Avoid situations that put you at increased risk**, including non-essential travel such as long plane trips.

Remember: Medicare covers the lab tests for COVID-19 — you pay no out-of-pocket costs. And Medicare also covers all medically necessary hospitalizations.

MEDICARE'S EXPANDED TELEHEALTH BENEFITS

Medicare and telehealth benefits

Medicare has temporarily expanded its coverage of telehealth services to respond to COVID-19.

Medicare beneficiaries can temporarily use telehealth services for common office visits, mental health counseling and preventive health screenings. This will help ensure Medicare beneficiaries are able to visit with their doctor from their home, without having to go to a doctor's office or hospital, which puts themselves and others at risk.

If you have an existing healthcare appointment, or think you need to see your doctor, please call them first to see if your appointment can be conducted over a smartphone with video capability or any device using video technology, like a tablet or a laptop. For some appointments, a simple check-in over the phone without video capabilities may suffice.

Important: If you think you have been exposed to COVID-19 and develop a fever and symptoms, such as a cough or difficulty breathing, call your healthcare provider immediately.

Remember: Medicare covers the lab tests for COVID-19. You pay no out-of-pocket costs.

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