NOTABLE US COURT DECISIONS REGARDING HEALTHCARE IN 2016

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Major Categories /Areas of Law 2016
- ACA
- Healthcare Access/Abortion
- Antitrust/Mergers
- ERISA
- False Claims Act
- Patent

ACA

House v. Burwell
- ACA Subsidies
- Obama administration payments in violation not approved by Congress

Zubick v. Burwell 5/16/16
- Little Sisters of the Poor
- Scotus-punted to lower courts
- Religious NFP responding to ACA birth control
- Opt out 3rd party payers?

Healthcare Access/Abortion
Whole Women’s Health v. Hellerstedt  
6/27/2016
- Texas HB2-2013
- Requirements for abortion clinics/providers
  1. Doctor has admitting privileges at hospital within 30 miles of clinic
  2. Clinics have service equal to outpatient surgery center

5-3 Against Texas Law
- Substantial obstacle to women seeking previability abortion
- Undue burden on abortion access violates constitution

Antitrust/Mergers

FTC v. Penn State Hershey 3rd Circuit
- Penn State Hershey/Pinnacle
- Geographic market test
- Elzinga Hogarty Test

FTC v. North Shore-Advocate(Merger)
- Chicago North Shore merger
- Analytic approach to hospital merger
- Antitrust market tests

US and State of NC v. Carolinas Healthcare System
- Contract restrictions with insurers
- Prevent insurers from offering financial incentives to pls for using lower care options outside Carolinas
Medical Ctr @ Eliza Place LLC v. Atrium
6th Circuit
- Joint Operating Agreements
- Joint venture between separately owned hospitals
- Sherman Section 1 Antitrust

Teladoc v. Texas Medical Board
- No agency immunity against antitrust

ERISA
- Religious non profit retirement plans exemption
- Requirement (ERISA) to be funded and insured

Gobeille v. Liberty Mutual
- ERISA shields self funded employer healthcare
- Sharing of healthcare data with state all payer databases

Advocate Healthcare IL
St Peters Healthcare NJ
- Religious non profit retirement plans exemption
- Requirement (ERISA) to be funded and insured

False Claims Act
US ex. rel Michaels v. Agape Senior 4th Circuit
- Whistleblower
- Sample extrapolation to determine fraud

Swoben v. United Healthcare 9th Circuit
- Medicare Advantage
- Prospective Payment
- Electronic programs to calculate severity of recipient’s disease

United Health Services v. US ex. rel. Escobar
- US Sct. 6/16/16 unanimous implied certification theory
- Knowingly fraudulent representation under civil FCA
- Resolved circuit court conflicts

PATENT

Cuozzo Speed Technologies LLC v. Lee
- Us Supreme Court 6/20/16 extrapolate to medical inventions