

Dowling Provides Comments About Health Plan Coverage Post-*Dobbs* to *Kansas City Business Journal*

In the News

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In a recent *Kansas City Business Journal* article, Partner [Tom Dowling](#) discusses the rapidly changing landscape concerning health plan coverage for employers in the wake of the *Dobbs* decision removing federal protections for abortions.

"The big question is what type of coverage can you have in your health plan," Dowling asks. "The answer is that every state is different, and no one knows the full risks right now. What's certain: There will be a lot of litigation, and businesses won't be immune."

Changes in abortion law are creating a lot of uncertainty and risk for employers, especially through employee benefits, and many states have already threatened to sue businesses that aim to expand their health plan coverage.

"There have been a line of states right up the middle of the country who have threatened legal action against businesses," Dowling said. "In fact, I've got a letter on my desk from the Texas Freedom Caucus, threatening law firms, of all things, who openly indicated that they would provide travel benefits to their employees in Texas. I think you're seeing the same type of activity in states with similar interests as Texas, including Missouri, where legislators are looking at ways to go after businesses who are paying for the services and the travel related to the services."

Dowling also references Texas' "Private Attorney General" law, which empowers citizens to sue on behalf of themselves and anyone similarly situated to enforce laws. He says employers could find themselves in a catch-22 scenario: "If you've got an employee who wants an abortion and your plan doesn't provide for it, that employee is going to be upset and you could end up with other employees upset and get bad publicity out of it," he said. "Then on the flip side, if your plan does provide some kind of abortion coverage and you have an employee or a customer who doesn't like it, you have the exact same issue. So it's really a delicate

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dance.”

Dowling helps employers develop and maintain health and welfare, retirement and deferred compensation plans that attract and retain top talent. He draws on deep experience with employee benefits to advise public, private and tax-exempt organizations on the intricacies of plan development, implementation, administration and ongoing regulatory compliance. Devoting a large portion of his practice to regulatory compliance, Dowling is the primary attorney responsible for advising the firm’s clients on the Affordable Care Act (ACA/Health Care Reform). He also counsels employers on the broad range of employee benefit issues related to HIPAA compliance, fiduciary compliance and equity compensation arrangements.

Sign in to the *Kansas City Business Journal* to [read the full article](#).

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