

## Of Two Evils, Choose Neither. The Bifurcated Church Plan Election.

47 Rutgers L. Rec. 104 (2019) | [WestLaw](#) | [LexisNexis](#) | [PDF](#)

Millions of Americans get their healthcare through health plans that are provided by a religious employer. Nearly all of these health plans invoke "church plan" status as a means to legally exclude coverage of medically-approved procedures they deem morally-objectionable. The 2017 Supreme Court holding in *Advocate Health Care Network v. Stapleton* extends church plan protections to plans covering many more millions of employees of religiously-affiliated entities. However, religious employers that exclude these procedures based on church plan status risk violating state law, and can make the plan a target for costly employee lawsuits.

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