

Supreme Court Declines to Expedite ACA Case

The United States Supreme Court [denied](#) motions to expedite consideration of *Texas v. Azar*, the lawsuit challenging the constitutionality of the Affordable Care Act's (ACA) individual mandate.

This decision follows a federal appeals court [ruling](#) that the individual mandate is unconstitutional due to the elimination of the individual mandate penalty in 2019. The appeals court remanded the case to the lower court to determine whether the rest of the ACA can remain in place without the

individual mandate. However, the U.S. House of Representatives and several states asked the Supreme Court to take up the case before the lower court issued a ruling.

Because the Supreme Court declined to expedite the case, the lower court is now tasked with determining whether the rest of the ACA may be severed from the individual mandate provision.

The lower court's ruling is expected to ultimately be appealed to the Supreme Court, and a final decision is not expected to be made until that time. It is likely that any ruling eliminating the ACA will be stayed pending appeal.

HHS Increases Civil Penalties for HIPAA Violations

The Department of Health and Human Services (HHS) recently published a [final rule](#) increasing the civil monetary penalties for violations of laws enforced by HHS, including the HIPAA [privacy](#) and [security](#) rules.

HHS is required to adjust these penalties for inflation each year to improve their effectiveness and maintain their deterrent effect. The new penalty amounts are effective for penalties assessed on or after Jan. 17, 2020.

2020 HIPAA Civil Penalties

HHS may assess civil penalties when it discovers a HIPAA violation. The penalty amount depends on the facts involved.

- For violations where the covered entity does not know about the

violation (and by exercising reasonable diligence, would not have known about the violation), the penalty amount is between \$119 and \$59,522 for each violation.

- If the violation is due to reasonable cause, the penalty amount is between \$1,191 and \$59,522 for each violation.
- For corrected violations that are caused by willful neglect, the penalty amount is between \$11,904 and \$59,522 for each violation.
- For violations caused by willful neglect that are not corrected, the penalty amount is \$59,522 per violation, with an annual cap of \$1,785,651 for all violations of an identical requirement.