

## An unhealthy ruling

by *The Milwaukee Journal Sentinel*

Given the harsh realities of the health insurance marketplace, the decision by the Equal Employment Opportunity Commission that employers can reduce or eliminate health benefits for retirees when they turn 65 and become eligible for Medicare shouldn't come as a surprise. Employers are struggling to provide benefits to younger employees, much less those over 65, and still stay competitive.

But AARP and other advocates for older Americans certainly can't be faulted either for contending that the new policy, which is based on a federal appellate court decision in June, clearly contradicts the Age Discrimination in Employment Act of 1967. In its ruling, the 3rd Circuit U.S. Court of Appeals in Philadelphia determined that such exemptions to the 1967 act and other federal laws was a "reasonable, necessary and proper exercise" of the commission's authority.

AARP has asked the Supreme Court to review the appellate ruling. That's not only wise but imperative. One way or another, the justices need to weigh in on this issue, not only because the appellate decision stands in such glaring conflict with existing federal law but also because of the far-reaching implications of the new EEOC policy.

Employers, under the new policy, may continue to provide health benefits to retirees younger than 65 not yet eligible for Medicare. We would hope most employers would do so, considering that so many companies today are encouraging workers through buyouts and other plans to retire early. And since those younger retirees aren't eligible for the drug benefits now provided under Medicare, they truly can find themselves financially stuck between a rock and a hard place. They deserve more.

What this shows once again is that the system of providing health care in this country is hopelessly broken and in desperate need of overhaul or reform, call it what you will.

We believe, as do an increasing number of other Americans - including many business and elected leaders - that the remedy should begin with mandatory health insurance for all Americans. Details on specific goals - including choice, cost controls, affordability and far more emphasis on prevention - can then be negotiated.

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