

Banning Coverage of Abortion in Multi-State Insurance Plans: **Moving in the Wrong Direction**

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The “Stop Abortion Funding in Multi-State Exchange Plans Act” or “SAFE Act” (H.R. 346), and the Senate version of this badly misnamed legislation, the “Preventing the Offering of Elective Coverage of Taxpayer-Funded-Abortion Act of 2013” or “PROTECT Act” (S. 154), would prohibit private insurance coverage of abortion in federally administered multi-state plans established by the Patient Protection and Affordable Care Act (ACA). These bills, introduced by Representative Alan Nunnelee (R-MS) and Senator Tom Coburn (R-OK), are part of a nationwide effort to limit women’s access to abortion by banning insurance coverage for it. The legislation would do nothing to increase safety or to make abortion less necessary, but it would make women **less safe** by interfering with access to abortion services. The ACA already includes a compromise that requires that at least one multi-state plan not cover abortion services; this bill would undermine that compromise and jeopardize women’s health.

Opponents of women’s reproductive health care falsely argue that the legislation is intended to eliminate federal funding for abortion, when in fact federal funding for abortion coverage is already prohibited, except in cases of rape and incest and life endangerment. Unfortunately, the ACA excludes federal funding of abortion services¹ and restrictions like the Hyde Amendment ban abortion coverage for women who rely on the federal government for their health insurance. The National Partnership strongly opposes restrictions on abortion access, including funding restrictions, and believes that coverage bans such as the Hyde Amendment should be eliminated. This bill does the opposite; it is an effort to expand coverage bans by further restricting women’s access to **private health plans** that include abortion coverage. If enacted, it would threaten the availability of abortion coverage for all women, regardless of where they obtain health care coverage.

It is important that at least some multi-state plans provide comprehensive coverage of all necessary medical procedures, including abortion, as currently permitted by the ACA. Prohibiting comprehensive abortion coverage in insurance plans will have markedly negative implications for women’s health and lives.

Members of Congress should protect access to abortion coverage and women’s health by strongly opposing this legislation.

Another Attack on the Affordable Care Act

The Multi-State Plan Program (MSPP) was created by the ACA to ensure that at least two health plans will be uniform across all of the states, improving consumer choice by including these high-quality insurance plans in every state's insurance marketplace.² The MSPP will be administered by the federal Office of Personnel Management.

The ACA includes a compromise to prohibit coverage of abortion services in **one multi-state insurance plan**.³ Legislators negotiating this compromise chose not to prohibit abortion coverage in all multi-state plans. This legislation would undermine this compromise and limit the options for women to purchase the comprehensive health care they want and need.

The National Partnership strongly opposes all efforts to weaken the ACA and particularly those efforts that interfere with women's reproductive health decisions. Reproductive health – and abortion in particular – has already been separated and stigmatized in the ACA. Further attempts to eliminate abortion services coverage from other health care services are unacceptable and endanger women's health.

Undermining Women's Health

Legislators who want to ban abortion are attempting to deny insurance coverage in order to make abortion care unaffordable. Politicians should not substitute their judgment for a woman's personal health care decisions. When it comes to the most important decisions in life, including whether to become a parent, it is vital that a woman is able to consider all the options available to her, regardless of her income.

If women are unable to access insurance coverage for abortion, they will face high out-of-pocket costs. Research has shown that women who are denied coverage for abortion services may take out loans, delay paying other bills, sell belongings, perform sex work or take other drastic measures to get the money to pay for abortions.⁴ A woman could be forced to postpone an abortion while attempting to find the necessary funds, making the procedure more complicated, expensive, and in some cases cost-prohibitive.

As noted above, some multi-state plans should provide comprehensive coverage of all necessary medical procedures, including abortion, as currently permitted by the ACA. Prohibiting comprehensive abortion coverage in insurance plans will be harmful to women's health and lives.

Further Restricting Availability of Abortion Coverage

Without government intrusion, most private insurance plans include coverage for abortion. However, the ACA specifically allows states to prohibit insurance coverage of abortion in the state health care marketplaces being set up to implement the law.⁵ In addition, the proposed rule on the multi-state plans issued by the U.S. Department of Health and Human Services allows states to prohibit abortion coverage even if it would otherwise be offered in a multi-state plan.⁶ As of January 2013, 20 states have banned insurance coverage of abortion services either within the state's health insurance marketplace⁷ or in

all insurance plans.⁸ Therefore, under current law abortion coverage will not be offered in any multi-state plans offered in those states.

At the same time, the ACA also allows states to promote women's reproductive health through state law and regulation. Yet this legislation would undermine a state's ability to require abortion coverage in the plans sold in the state. Women's health has already been undermined by requiring that at least one plan not include abortion; this would take a bad policy and make it worse.

Congress should reject this misleading and extreme attack on access to abortion care.

This legislation is dangerous for women and families, threatens health insurance coverage of abortion for all women, and imposes additional restrictions on a state's ability to require comprehensive insurance coverage for its citizens.

1 42 U.S.C. § 18023(b)(2) (2010).

2 Jost, Tim, Implementing Health Reform: The ACA's Multi-State Plan Program, *Healthaffairs.org*, Dec. 3, 2012, <http://healthaffairs.org/blog/2012/12/03/implementing-health-reform-the-acas-multi-state-plan-program/>.

3 42 U.S.C. § 18054(a)(6) (2010).

4 See Amanda Dennis, How Restrictions on Health Funding Affect Low-Income Women's Access to Care, *MomsRising* (Oct. 11, 2011), <http://www.momsrising.org/blog/how-restrictions-health-care-funding-affects-low-income-womens-access-to-care/>.

5 42 U.S.C. § 18023 (2010).

6 Patient Protection and Affordable Care Act; Establishment of the Multi-State Plan Program for the Affordable Insurance Exchanges, Proposed Rule, 77 Fed. Reg. 72582-72609 (Dec. 5, 2012) (to be codified at 45 C.F.R. pt. 800, § 800.602(b)).

7 Alabama, Arizona, Florida, Indiana, Louisiana, Mississippi, Ohio, South Carolina, South Dakota, Tennessee, Virginia, and Wisconsin. National Women's Law Center, *State Bans on Insurance Coverage of Abortion Endanger Women's Health and Take Health Benefits Away from Women* (Jan. 15, 2013), <http://www.nwlc.org/resource/state-bans-insurance-coverage-abortion-endanger-women%E2%80%99s-health-and-take-health-benefits-awa>.

8 Idaho, Kansas, Kentucky, Missouri, Nebraska, North Dakota, Oklahoma, and Utah. *Id.*

The National Partnership for Women & Families is a nonprofit, nonpartisan advocacy group dedicated to promoting fairness in the workplace, access to quality health care and policies that help women and men meet the dual demands of work and family. More information is available at www.NationalPartnership.org.

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