

Title: Opposition to Government Regulations Limiting Scope of Women’s Health Coverage

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Referred to: Reference Committee A

House Action: Referred to the Board

Whereas, the “Abortion Insurance Opt-Out Act” passed in 2013 prevents public and private health plans operating and providing coverage for individuals in the state of Michigan from offering elective termination procedures as part of a health benefits policy¹, and

Whereas, for all intents and purposes, this legislation acts as an exclusionary rider that would treat any evidence of pregnancy, even as products of criminal sexual conduct and/or incest and/or a gestational age of less than 20 weeks , as a pre-existing condition by stipulating that an optional rider can only be obtained before becoming pregnant^{1,3,4,6}, and

Whereas, in addition to preventing private and public health plans from offering coverage for elective termination services, it does not allow health plans to offer “stand alone” policies or contracts offered by “an expense-incurred hospital, medical, or surgical policy or certificate, or health care corporation group or non-group certificate delivered, issued for deliver, or renewed in this state , or a health maintenance organization group, or individual contract offered outside of an American health benefit exchange” to supplement existing coverage and therefore can only be obtained through a woman’s primary insurance provider and can only be added by the purchaser of that policy for an additional premium¹, and

Whereas, employers of women are given complete reproductive control of insurance options with respect to pregnancy, even in the case of “a nonviable fetus that has completed less than 20 weeks of gestation,”^{1,3,6} and

Whereas, with crimes of rape and sexual assault being violations of women’s civil rights, this legislation allows for discriminatory practices in providing access to comprehensive treatment options and health care services available to female victims², and

Whereas, physicians cannot be reimbursed by health plans for services directly related to performance of an elective abortion unless reimbursed from an optional rider, and

Whereas, it is unclear whether physicians are able to be reimbursed through out-of-pocket payment given the prohibition of using an “individual contract offered

53 outside of an American health benefit exchange” (that are not optional riders) for
54 reimbursement¹, and

55 Whereas, former Governor Engler vetoed a similar bill in 2010 and Governor
56 Synder vetoed this bill, leading to a partisan passing of the legislation in both the
57 house and senate, and

58
59 Whereas, Governor Synder provided the following rationale for his veto:

60 “I believe citizens should have the ability to opt in or opt out of abortion
61 coverage in government-created health exchanges supported with public funds.
62 “Opting in” to this coverage shouldn’t be difficult, and it is my understanding that the
63 coverage would be available at nominal additional cost. However, the current bill goes
64 too far in two ways. First, it treats situations that involve rape, incest and health of the
65 mother as elective abortions. I don’t believe it is appropriate to tell a woman who
66 becomes pregnant due to a rape that she needed to select elective insurance coverage.
67 Second, the abortion changes in this bill interfere in the current private marketplace for
68 insurance. Insurance companies and private buyers of insurance should be able to
69 conduct their own affairs;”^{3,4,5} therefore be it

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71 **RESOLVED:** That MSMS support legislation that permits public and private
72 health plans to provide adequate women’s reproductive health care coverage for
73 elective termination procedures; and be it further

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75 **RESOLVED:** That MSMS support legislative or regulatory efforts to ensure the
76 availability of women’s reproductive health care coverage for victims of rape, incest, or
77 other circumstances at high risk for adverse child outcomes; and be it further

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79 **RESOLVED:** That MSMS advocate for maintaining the privacy and
80 confidentiality of any purchasers of abortion riders; and be it further

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82 **RESOLVED:** That MSMS identify which Michigan insurance companies offer
83 abortion coverage riders.

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86 **WAYS AND MEANS COMMITTEE FISCAL NOTE: NONE**

¹ (2013) “Abortion Insurance Opt-Out Act.” Journal of The House. Available at
<https://votesmart.org/static/billtext/46511.pdf>

² Bushey, C. (2010) “Why Don’t More Women Sue their Rapists?: Because the Supreme Court took away part of the Violence Against Women Act.” Slate. Available at

http://www.slate.com/articles/double_x/doublex/2010/05/why_dont_more_women_sue_their_rapists.html

³ Crockett, E. (2013) “Michigan Ballot Initiative Could Ban Insurance Coverage of Abortion.” RH Reality Check.).

Available at <http://rhrealitycheck.org/article/2013/11/26/michigan-ballot-initiative-could-ban-insurance-coverage-of-abortion/>

⁴ Culp-Ressler, T. (2013) “Michigan is Hardly the First State To Pass a ‘Rape Insurance’ Law.” Available at
<http://thinkprogress.org/health/2013/12/16/3072301/rape-insurance-restrictions-states/#>

⁵ Reinvention Blog. (2012) “Protecting the Health and Welfare of Women in Michigan.” Governor Rick Snyder: Reinventing Michigan-Getting it Right, Getting it Done. Available at <http://www.michigan.gov/snyder/0,4668,7-277-60279-291994--,00.html>

⁶ Rendon, B.R. “Enrolled House Bill No. 5711.” State of Michigan 96th Legislature (December 2012). Available at
<http://votesmart.org/static/billtext/42278.pdf>