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NY State of Health Comments on Coverage of Certain Preventative Services Under the Affordable Care Act

NY State of Health, the State's Official Health Plan Marketplace writes to express our support for the Proposed Rule entitled "Coverage of Certain Preventive Services under the Affordable Care Act" proposed by the Department of Health and Human Services (HHS), the Department of Labor, and the Department of the Treasury, which would amend regulations regarding the provision of certain contraceptive services without cost sharing. NY State of Health supports this proposed rule for its role in ensuring the availability of affordable and accessible contraceptive care by creating the "individual contraceptive arrangement" to ensure that all individuals may obtain contraceptive services at no cost. In 2017, New York strongly opposed the Interim Final Rules: Religious Exemptions and Accommodations for Coverage of Certain Preventive Services under the Affordable Care Act, and Moral Exemptions and Accommodations for Coverage of Certain Preventive Services under the Affordable Care Act and urged that they be rescinded.¹ NY State of Health supports the proposed actions of the Departments to rescind the moral exemption rule and urges our Federal partners to take further action with respect to the religious exemption to ensure broad contraceptive care.

As a state, New York supports access to Comprehensive Family Planning and Reproductive Health Care Services, including contraceptive services, for all women. Critical for reducing unintended pregnancy and abortion rates as well as providing medical benefits such as decreased bleeding and pain with menstrual periods and reduced risk of gynecological disorders, easily accessible contraceptive coverage is a crucial component of women's health care.² Access to contraceptives allows women and families the choice to make informed family planning decisions, such as determining the number and spacing of children. Without coverage through insurance, contraceptive services can be unaffordable. Beyond the upfront cost, lack of contraceptive access can negatively affect economic outcomes in many ways, including educational attainment, workforce participation, earning potential, and even generational effects.³

We appreciate the attention of the Departments to this issue and provide our support for this Proposed Rule.

¹ See Eric T. Schneiderman et al, *Comments on Interim Final Rules*, STATE OF N.Y. OFF. OF THE ATT'Y GEN., Dec. 5, 2017, <https://www.regulations.gov/comment/CMS-2014-0115-58168>; see also Religious Exemptions and Accommodations for Coverage of Certain Preventive Services under the Affordable Care Act, 82 Fed. Reg. 47792 (2018); see also Moral Exemptions and Accommodations for Coverage of Certain Preventive Services Under the Affordable Care Act, 82 FR 47838 (2017).

² *Access to Contraception* (Jan. 2015), AM. COLL. OF OBSTETRICIANS AND GYNECOLOGISTS, <https://www.acog.org/clinical/clinical-guidance/committee-opinion/articles/2015/01/access-to-contraception#:~:text=Universal%20coverage%20of%20contraceptives%20is,of%20endometrial%20and%20ovarian%20cancer>.

³ Anna Bernstein & Kelly M. Jones, *The Economic Effects of Contraceptive Access: A Review of the Evidence*, INST. FOR WOMEN'S POLICY RSCH, <https://iwpr.org/iwpr-issues/reproductive-health/the-economic-effects-of-contraceptive-access-a-review-of-the-evidence/> (last visited Mar. 29, 2023).