

DECISION 11

**TO WHAT EXTENT ARE THE RANGE OF  
REPRODUCTIVE HEALTH SERVICES DEFINED IN THE  
BENEFITS PACKAGE?**

**BACKGROUND**

REPRODUCTIVE HEALTH SERVICES -- PREGNANCY TESTING, PRE-NATAL CARE, LABOR AND DELIVERY-- WILL BE COVERED IN THE COMPREHENSIVE BENEFITS PACKAGE. AT ISSUE IS HOW "REPRODUCTIVE HEALTH SERVICES" IS DEFINED, AND WHAT IT INCLUDES.

COVERAGE OF ABORTION SERVICES COULD BE THE MOST POLITICALLY DEVISIVE ISSUE IN THE HEALTH REFORM DEBATE: WITH THE CONGRESS, WITH GROUPS WHO SUPPORT AND OPPOSE ABORTION RIGHTS, AND WITH THE PUBLIC.

WOMEN'S GROUPS AND OTHER PRO-CHOICE ADVOCATES FEEL THAT COVERAGE OF ABORTION SERVICES NEEDS TO BE CLEARLY SPELLED OUT, AND CANNOT BE LEFT TO STATES OR HEALTH PLANS TO DETERMINE.

THOSE WHO OPPOSE ABORTION RIGHTS PROTEST GOVERNMENT ALLOWING ABORTIONS TO TAKE PLACE-- THEY WILL BITTERLY FIGHT THE GOVERNMENT GUARANTEEING THEIR AVAILIBLITY AND USING TAX DOLLARS TO SUBSIDIZE THE PRACTICE FOR LOW-INCOME WOMEN.

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**TO WHAT EXTENT ARE THE RANGE OF  
REPRODUCTIVE HEALTH SERVICES DEFINED IN THE  
BENEFITS PACKAGE?**

**BACKGROUND(CONT'D)**

**THERE IS NOT CLEAR PRECEDENT FOR COVERAGE OF  
ABORTION AS PART OF A BASIC HEALTH PACKAGE, NEITHER  
HERE NOR IN OTHER COUNTRIES:**

- \* MOST EUROPEAN COUNTRIES COVER ABORTIONS UNDER CERTAIN CONDITIONS, BUT THE LAWS WERE ESTABLISHED BEFORE THE ISSUE BECAME SO POLARIZED.**
- \* MANY PRIVATE HEALTH PLANS AND HMOS IN THE U.S. IMPLICITLY COVER ABORTION UNDER "PREGNANCY-RELATED CARE" OR COVER THEM SUBJECT TO "MEDICAL NECESSITY";**
- \* HAWAII'S COMPREHENSIVE HEALTH PLAN COVERS ABORTION AS "CHILDBIRTH OR OTHER TERMINATION OF PREGNANCY"**
- \* TEN STATES CURRENTLY RESTRICT COVERAGE OF ABORTION IN PRIVATE PLANS, TWELVE STATES ALLOW STATE-ONLY MEDICAID FUNDS TO PAY FOR ABORTIONS FOR LOW-INCOME WOMEN**

**TO WHAT EXTENT ARE THE RANGE OF  
REPRODUCTIVE HEALTH SERVICES DEFINED IN THE  
BENEFITS PACKAGE?**

**OPTIONS**

- OPTION 1:       EXPLICITLY STATE IN LEGISLATION THAT  
ABORTION SERVICES ARE COVERED IN THE  
BENEFITS PACKAGE, WITHOUT RESTRICTIONS**
- OPTION 2:       EXPLICITLY COVER ABORTION, BUT INCLUDE  
RESTRICTIONS**
- OPTION 3:       IMPLICITLY COVER ABORTION UNDER  
"REPRODUCTIVE HEALTH SERVICES", LEAVING  
INTERPRETATION TO THE STATES**
- OPTION 4:       EXCLUDE ABORTION FROM THE  
COMPREHENSIVE BENEFITS PACKAGE**

**TO WHAT EXTENT ARE THE RANGE OF  
REPRODUCTIVE HEALTH SERVICES DEFINED IN THE  
BENEFITS PACKAGE?**

**OPTION 1: EXPLICIT COVERAGE-- NO RESTRICTIONS**

**PROS:**

- \* EXPLICIT COVERAGE WOULD GUARANTEE ALL WOMEN FREEDOM OF CHOICE TO TERMINATE A PREGNANCY
- \* EXPLICIT COVERAGE WOULD FREE STATES WITHOUT ABORTION LAWS ON THE BOOKS FROM PRO-CHOICE/PRO-LIFE BATTLES, AND WOULD PRE-EMPT STATE LAWS RESTRICTING ABORTIONS
- \* A LACK OF RESTRICTIONS SUCH AS "MEDICALLY NECESSARY" OR "APPROPRIATE" WOULD PREVENT WIDE VARIANCES IN ACCESS TO ABORTION SERVICES BASED ON DIFFERENT STATES OR PLANS INTERPRETING THOSE RESTRICTIONS IN DIFFERENT WAYS

**CONS:**

- \* CATEGORICAL COVERAGE OF ABORTION SERVICES WITHOUT RESTRICTION COULD ENCOURAGE OVERUSE OR INAPPROPRIATE USE
- \* COVERAGE WITH NO RESTRICTIONS WILL MEET WITH SIGNIFICANT, PERHAPS INSURMOUNTABLE OPPOSITION
- \* TAKES INTERPRETIVE POWERS AWAY FROM STATES

**TO WHAT EXTENT ARE THE RANGE OF  
REPRODUCTIVE HEALTH SERVICES DEFINED IN THE  
BENEFITS PACKAGE?**

**OPTION 2: EXPLICITLY COVER ABORTION WITH  
RESTRICTIONS**

**PROS:**

- **RESTRICTING ABORTION SERVICES TO THOSE DEEMED "MEDICALLY NECESSARY" OR "APPROPRIATE" PROVIDES A CHECK ON SERVICE UTILIZATION BY A HEALTH PROFESSIONAL**
- **RESTRICTIONS BASED ON MEDICAL NEED ARE CONSISTENT WITH CURRENT COVERAGE UNDER MANY PRIVATE PLANS**
- **RESTRICTIONS SUCH AS PARENTAL CONSENT OR WAITING PERIODS ENJOY PUBLIC SUPPORT AND ARE CONSISTENT WITH PAST POLICY**

**CONS:**

- **ABORTION COVERAGE AND AVAILABILITY OF SERVICE COULD VARY BY STATE OR PLAN BASED ON DIFFERENT INTERPRETATION OF THE RESTRICTIONS**

**TO WHAT EXTENT ARE THE RANGE OF  
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**OPTION 3: IMPLICIT COVERAGE, STATE INTERPRETATION**

**PROS:**

- **COULD HELP CONTAIN FEDERAL/CONGRESSIONAL DEBATE ON ABORTION RIGHTS IN THE CONTEXT OF HEALTH REFORM**
- **LEAVES STATES WITH INTERPRETIVE POWERS OVER ABORTION SERVICE AVAILABILITY CONSISTENT WITH JUDICIAL PRECEDENT**
- **AVOIDS THE NEED TO BUILD NATIONAL CONSENSUS ON ABORTION, ALLOWS FOR VARIED APPROACHES BASED ON DIFFERENT STATE ATTITUDES ON ABORTION RIGHTS**

**CONS:**

- **ABORTION COULD STILL BECOME AN ISSUE FOR FEDERAL DEBATE BASED ON CONGRESSIONAL AMENDMENTS ADDED ON THE FLOOR, AND THE ADMINISTRATION COULD END UP WITH THE WORST OF BOTH WORLDS: ANGERED PRO-CHOICE GROUPS DUE TO PERCEIVED LACK OF PRESIDENTIAL LEADERSHIP ON ABORTION RIGHTS, AND STILL A PROTRACTED CONGRESSIONAL DEBATE ON ABORTION**
- **COULD RESULT IN WIDELY VARIED ACCESS AND SERVICE LEVEL BY STATE**
- **ESTABLISHES PRECEDENT FOR STATES TO INTERPRET COMPONENTS OF THE BENEFIT PACKAGE DIFFERENTLY**

**TO WHAT EXTENT ARE THE RANGE OF  
REPRODUCTIVE HEALTH SERVICES DEFINED IN THE  
BENEFITS PACKAGE?**

**OPTION 4: NO COVERAGE OF ABORTION SERVICES**

**PROS:**

- **RESTRICTING ABORTION SERVICES TO THOSE DEEMED "MEDICALLY NECESSARY" OR "APPROPRIATE" PROVIDES A CHECK ON SERVICE UTILIZATION BY A HEALTH PROFESSIONAL**
- **RESTRICTIONS BASED ON MEDICAL NEED ARE CONSISTENT WITH CURRENT COVERAGE UNDER MANY PRIVATE PLANS**
- **RESTRICTIONS SUCH AS PARENTAL CONSENT OR WAITING PERIODS ENJOY PUBLIC SUPPORT AND ARE CONSISTENT WITH PAST POLICY**

**CONS:**

- **RESTRICTS ACCESS TO ABORTION FOR ALL WOMEN, PARTICULARLY POOR WOMEN**
- **REDUCES BENEFITS FOR WOMEN FOR WHOM ABORTION SERVICES ARE CURRENTLY COVERED**
- **ANGERS PRO-CHOICE CONSTITUENCIES AND COMPROMISES THEIR SUPPORT FOR PLAN**