

Passing a Resolution in Support of Insurance Coverage of Abortion: Why Cook County?

Federal law currently imposes unfair limitations on insurance coverage of abortion. To take a stand against these unjust abortion restrictions, cities and counties nationwide are demonstrating their support for comprehensive reproductive health care for all women by passing resolutions that call on federal and state lawmakers to reinstate coverage for comprehensive reproductive health care services, including abortion. These efforts are being led by advocates on the ground in these communities, in coordination with a national coalition committed to working at all levels of government to reinstate full public insurance coverage for vital reproductive health care services.

Bans on Abortion Coverage in Illinois

The Hyde Amendment, first passed by Congress in 1976, bans Medicaid coverage of abortion except in the case of rape, incest, or to save the life of the pregnant woman. Federal law also prohibits insurance coverage of abortion for women who qualify for other government-sponsored insurance programs, including women enrolled in Medicare, people in the military and their dependents, female veterans who receive coverage from the VA, federal employees, Native American women, women in federal prison, and women who serve in the Peace Corps. Seventeen states fill the critical gap in funding created by the Hyde Amendment by providing abortion coverage with state funds through Medicaid.ⁱ Illinois is one of these states, offering Medicaid coverage for all medically necessary abortions under court order. However, research shows that in practice it remains extremely difficult for Illinois women to obtain this coverage.

Illinois is also one of twenty-one states that has a statute restricting insurance coverage of abortion for state employees and their dependents. Under the state's self-insured Quality Health Care Plan (QHCP), no benefits are available for abortion services unless the procedure is necessary to save the life of the pregnant woman.ⁱⁱ State employees may seek abortion coverage through managed care plans, but only one of the Health Plan Administrators that contracts with the state offers coverage for medically necessary abortions to state employees and their dependents.

The Reality of Medicaid Coverage of Abortion in Illinois

In 1994, in the case of *Doe v. Wright*, an Illinois state court ruled that the State's failure to provide coverage for medically necessary abortions under Medicaid, when it covers all other medically necessary services, violates the Illinois Constitution. As a result, state funds are available through Medicaid to cover all medically necessary abortions.ⁱⁱⁱ However, women and abortion providers face immense challenges in accessing this coverage.

Interviews with Illinois abortion providers, conducted by Ibis Reproductive Health for a 2010 study, shed light on the specific challenges providers faced when attempting to obtain reimbursement for medically necessary abortions. Many providers were skeptical that reimbursement for medically necessary abortions actually existed; their interactions with Medicaid personnel led them to believe reimbursement was only available in the cases of rape, incest, or life endangerment. The providers who did submit claims estimated that they received Medicaid reimbursement for only about 7% of the abortions for which they sought payment. They stated that claims were often rejected and resubmitted

multiple times pursuant to seemingly arbitrary instructions given by Medicaid staff. As a result, many abortion providers no longer apply for reimbursement for medically necessary abortions or even maintain contracts with Medicaid.^{iv} While more than 40,000 abortions per year are provided in Illinois,^v research shows that only about 100 are reimbursed by state Medicaid.^{vi,vii} Over half of the abortions provided in Illinois (nearly 25,000) take place in Cook County.^{viii}

Low income women without Medicaid coverage for abortion care often delay their procedures as they attempt to come up with the money to pay for them.^{ix} This delay further increases the cost of the procedure—forcing women to make increasingly difficult choices about what necessities to forego in order to afford an abortion. Delays also increase the health risks of an abortion.^x Many women are never able to effectuate their choice to have an abortion due to the financial costs and are forced to bear children they are unprepared or unable to care for.^{xi}

Restoring full federal Medicaid coverage of abortion care would eliminate the confusing and discretionary manner in which Medicaid deals with medically necessary abortion care claims and would increase access to comprehensive reproductive health care for the 184,938 women of reproductive age in Cook County who receive Medicaid,^{xii} and the even greater number of women who will qualify as the Medicaid expansion is implemented. Making abortion coverage straightforward, transparent, and accessible would ensure all women, regardless of the source of their insurance, are able to make the best decision for their circumstances.

The Direct Impact of Bans on Abortion Coverage in Cook County

In addition, many Cook County women receive their insurance through the federal or state government and are therefore subject to other restrictions on insurance coverage of abortion.

- There are 61,958 federal employees and retirees^{xiii} and 18,024 Illinois state employees^{xiv} in Cook County. All women of reproductive age covered under these employees' insurance are subject to abortion coverage restrictions.
- 2,222 women of reproductive age in Cook County receive health insurance from the VA and are subject to abortion coverage restrictions.^{xv}
- 3,394 women of reproductive age in Cook County receive health insurance from TRICARE military health insurance and are subject to abortion coverage restrictions.^{xvi}
- 10,571 women of reproductive age in Cook County receive Medicare coverage and are subject to abortion coverage restrictions.^{xvii}

Such restrictions also apply to Cook County residents who are Peace Corps volunteers, federal prisoners, and Native American women who utilize Indian Health Services.

The burden of being forced to pay out-of-pocket creates a significant barrier to abortion access for many federal and state employees and their families. Salaries for many public employees are low.^{xviii} The unexpected expense of an abortion procedure, on top of the cost of arranging child care, travel, and time off work imposes unacceptable harm on these families.

Abortion Coverage through Medical Assistance isn't a Guarantee

"I ended up having an abortion in my second trimester because I had to save and borrow money . . . It would have been easier to have my abortion as soon as I found out in my first trimester, if I was able to

pay for my procedure with my insurance. That was a desperate feeling of needing to have this done and I didn't have the resources."

"When they told me I couldn't use my Medicaid card I didn't believe them . . . I couldn't understand why. I had children before and I used my Medicaid card to cover my prenatal, delivery and postnatal costs."

"When I decided to have an abortion I thought I could call any abortion clinic and use my medical card to pay for it . . . When Planned Parenthood told me I couldn't, I was mad and I panicked. I didn't have the money to pay for my abortion. Instead I borrowed the money from my mother. It took me 6 months to pay her back."

The quotes above come from Cook County women who were unable to use their public insurance to access abortion care. These stories reveal the frustration felt by women denied insurance coverage for abortion care and the risks they face when struggling to personally finance their health care. Restoring federal Medicaid coverage for abortion care, and coverage for abortion care through other government-sponsored insurance programs, would allow women like the ones quoted above to promptly and more safely effectuate their decision to have an abortion. Making abortion coverage more straightforward, transparent, and accessible helps to ensure that women are able to make the best decision for their circumstances.

Cook County: A History of Support for Publicly-Funded Health Care

The Cook County Board of Commissioners has already demonstrated a strong commitment to meeting the health needs of low-income individuals through its CountyCare and CareLink programs. The Board has also recognized that abortion care is a critical component of comprehensive health care and supported abortion access for all women by approving the use of county funding to subsidize the cost of abortions provided at Stroger Hospital. As a result of this decision, the hospital is able to charge women a flat rate of \$75 for the procedure. This is a valuable resource for women struggling to make ends meet, but regardless of the resources dedicated by the County, bans on coverage for abortion continue to affect many women. Ending the bans on insurance coverage for abortion would not only decrease the financial burden on the County, but would also ensure that women would be able to access affordable care at a broader range of providers.

A resolution in support of insurance coverage of abortion for all women is well-aligned with Cook County's long-standing tradition of supporting public funding to increase access to comprehensive health care.

Increasing Restrictions on Insurance Coverage of Abortion across the Country

In addition to the direct harm women in Cook County face as a result of the Hyde Amendment and other restrictions on abortion coverage, it is vitally important that the Cook County Board of Commissioners demonstrate its support of equal access to reproductive health care for all women at a time when these rights are being taken away across the country. Local officials in cities and counties nationwide are taking action to strip municipal employees of abortion coverage^{xx} and to reject local family planning funding.^{xx} Twenty-five states currently have laws restricting private insurance coverage of abortion on their health exchanges and ten states place restrictions on all private insurance coverage of abortion. Many of these laws have been passed in the last three years.^{xxi}

A Growing Movement



Communities across the country are responding by voicing support for comprehensive reproductive health coverage, including reinstating coverage for abortion care regardless of the source of a woman's insurance. Between 2013 and 2015, Travis County, TX Commissioners Court, the New York City Council, the Philadelphia Board of Health, the Cambridge City Council in Massachusetts, the Seattle, Washington City Council, and the Common Council of Madison, Wisconsin all passed resolutions in support of coverage for comprehensive reproductive health care. Advocates and officials in Boston, MA and elsewhere are working towards similar action. Cook

County has the opportunity to join a growing chorus of voices declaring that all women deserve access to insurance coverage for comprehensive reproductive health care, including abortion.

ⁱ Guttmacher Institute, *State Policies in Brief: State Funding of Abortion Under Medicaid* (April 1, 2015), available at http://www.guttmacher.org/statecenter/spibs/spib_SFAM.pdf.

ⁱⁱ 5 ILCS 375/6; Guttmacher Institute, *State Policies in Brief: Restricting Insurance Coverage of Abortion* (April 1, 2015), available at http://www.guttmacher.org/statecenter/spibs/spib_RICA.pdf.

ⁱⁱⁱ *Doe v. Wright*, No. 91 CH 1958 (Ill. Cir. Ct. Dec. 2, 1994); <http://www.prochoiceamerica.org/government-and-you/state-governments/state-profiles/illinois.html?templateName=template-161602701&issueID=15&ssumID=2558>.

^{iv} Ibis Reproductive Health, *State-Level Research Brief: Public Funding for Abortion in Illinois*, available at http://ibisreproductivehealth.org/sites/default/files/files/publications/Hyde_IL_redesign_2color_12_20_11.pdf.

^v Illinois Department of Public Health, *2012 Abortion Statistics*, available at <http://dph.illinois.gov/data-statistics/vital-statistics/abortion-statistics>.

^{vi} Ibis Reproductive Health, *State-Level Research Brief: Public Funding for Abortion in Illinois*.

^{vii} http://www.fundabortionnow.org/sites/default/files/national_network_of_abortion_funds_state_advocacy_toolkit.pdf

^{viii} Illinois Department of Public Health, *2012 Abortion Statistics*, available at <http://dph.illinois.gov/data-statistics/vital-statistics/abortion-statistics>.

^{ix} Boonstra, Heather. *The Heart of the Matter: Public Funding of Abortion for Poor Women in the United States*, Guttmacher Pol. Rev., Vol. 10 (2007), available at <http://www.guttmacher.org/pubs/gpr/10/1/gpr100112.html>; Ibis Reproductive Health, *Research Brief: The Impact of Medicaid Coverage Restrictions on Abortion*, available at http://ibisreproductivehealth.org/sites/default/files/files/publications/AllAboveAll_MedicaidResearchBrief%20111314.pdf.

^x *Id.*

^{xi} *Id.*

^{xii} U.S. Census Bureau, American Community Survey. (2013). MEDICAID/MEANS-TESTED PUBLIC COVERAGE BY SEX BY AGE, Cook County, Illinois (note: estimated number of women aged 18 to 44).

^{xiii} http://www.eyewashington.com/few_map_2012/htm/Illinois.html

^{xiv} The State Journal-Register, *Salaries – State of Illinois Database* (for calendar year 2014), available at <http://databases.sjr.com/salaries/state-of-il/>. This number does not include employees of state universities or community colleges.

^{xv} U.S. Census Bureau, American Community Survey. (2013). VA HEALTH CARE BY SEX BY AGE, Cook County, Illinois (note: estimated number of women aged 18 to 44).

^{xvi} U.S. Census Bureau, American Community Survey. (2013). TRICARE/MILITARY HEALTH COVERAGE BY SEX BY AGE, Cook County, Illinois (note: estimated number of women aged 18 to 44)

^{xvii} U.S. Census Bureau, American Community Survey. (2013). MEDICARE BY SEX BY AGE, Cook County, Illinois (note: estimated number of women aged 18 to 44).

^{xviii} The State Journal-Register, *Salaries – State of Illinois Database* (for calendar year 2014).

^{xix} <http://www.urbaninitiative.org/sitecontent/Static/Docs/InsuranceCoverageofAbortionforMunicipalandCountyEmployees.pdf>

^{xx} <http://www.urbaninitiative.org/sitecontent/Static/Docs/MunicipalandCountyDisputesoverFamilyPlanningFunding.pdf>

^{xxi} Guttmacher Institute, *State Policies in Brief: Restricting Insurance Coverage of Abortion* (April 1, 2015).