

# TEXAS VOICE FOR HEALTH REFORM

## TVHR Health Reform Fact Check: Abortion

*At a recent TVHR presentation to an interfaith group, a participant asked what effect Health Reform bills would have on abortion. We hadn't done any research (or even any thinking, really) on the topic, so we said that we were pretty sure the authors of reform bills were trying to steer clear of any changes to current abortion law, since changes in any direction from the status quo would only alienate potential supporters of health reform—whether pro-abortion rights or abortion opponents. We have done some checking since then, and we think our answer still holds up.*

### What IS the status quo in federal law?

- **No federal funding of abortion except when the mother's life is endangered or in cases of rape or incest.** Since the "Hyde amendment" became law in 1976, Congress has barred federal funding of abortion in all major health programs (e.g., Medicaid, federal employee health benefits) except when the mother's life is endangered by a physical illness or condition, or in cases of rape or incest. Beyond these exceptions, federal funds may not be used for abortion or for any health benefits package that includes abortion. Such funding is banned by riders to various appropriations bills, adopted year after year for decades. The laws governing military hospitals and the Children's Health Insurance Program include their own bans on abortion funding.
- **The Federal Employees Health Benefits Program (FEHBP)** pays premiums for hundreds of different private health plans that federal employees choose. None of the benefits packages offered to federal employees in this program may include abortion beyond the Hyde exceptions.
- **There are no laws on the books today that either require or prohibit the inclusion of abortion benefits in any private commercial health insurance plan.** Just as in the reform debate, abortion is not a high-profile topic in private health plans' benefit summaries. In practice, many private plans do fund elective abortions, but the real frequency is not known. (One 2002 study found that 87 percent of employer-based health insurance policies covered 'medically necessary or appropriate abortions,' while another study found that 46 percent of workers with health insurance had coverage for abortion.)

## Health Reform Bills

- Some Congressional Democrats have proposed an amendment to health reform bills that would neither require nor prohibit insurers from covering abortion services, **as long as federal funding is not used.**
- There are no proposals in health reform to remove the Hyde Amendment prohibitions from Medicaid or the FEHBP.
- The only remaining question is whether the Hyde Amendment prohibition will be extended to Americans above the Medicaid income level who qualify for premium assistance to purchase coverage through health insurance exchanges created under health reform. Abortion opponents clearly support this approach, and are asking to have this interpretation made explicit in the legislation (at this date, it has not been spelled out in any of the majority bills).
- Health reform will set some minimum benefits standards for insurance coverage, but will not likely spell out every detail of coverage. Coverage of abortion is not mentioned in any of the bills at this point.
- **The U.S. Conference of Catholic Bishops' statement** (<http://www.usccb.org/sdwp/national/2009-05-usccb-health-care-statement.pdf>) of support for national health reform says, "health care reform should be truly universal and it should be genuinely affordable." On the topic of abortion, the Bishops say, "No health care reform should compel us or others to pay for the destruction of human life, whether through government funding or mandatory coverage of abortion."

***Based on all we know to date, the expected outcome is that health reform legislation will not change the status quo, and it is likely that the Hyde Amendment prohibition will be extended to subsidized coverage purchased through the health insurance exchanges.***

## Errors, Myths, and Big Fat Lies

While the U.S. Catholic Conference has conveyed strong support for health reform even as it strongly opposes abortion, other anti-abortion groups have been distributing patently false claims through the internet and radio. These claims appear designed to stimulate outright opposition to health reform, not limited to opposition to abortion.

Here are some false claims making their way around the web:

*"the House of Representatives WILL be voting before August recess on the health care reform bill that would":*

- *Result in the biggest expansion of abortion since the Roe v. Wade Supreme Court decision: **UNTRUE.*** If anything, extension of Hyde Amendment prohibition to newly-subsidized health coverage would reduce insurance coverage of abortions.
- *Force YOU to pay for abortions through your tax dollar: **UNTRUE.*** No provisions in health reform bills would change the Hyde Amendment.

- *Implement a cornerstone of FOCA -- the Freedom of Choice Act -- that would lead to a massive, taxpayer-subsidized abortion industry bailout. **UNTRUE.** No provisions in health reform bills would in any way mandate or expand coverage of abortions.*
- *Force you and virtually all Americans into health plans with mandatory abortion coverage (health care reform legislation must explicitly exclude abortion in writing or else abortion automatically becomes a minimum required benefit.) **UNTRUE.** No provisions in health reform bills would in any way mandate or expand coverage of abortions.*

On the other hand, a pro-abortion rights website we searched included this statement,

*“Some observers believe that this heightened campaign against abortion rights (in the health reform debate) has an ultimate goal of prohibiting private health insurance plans from covering abortion.”*

While it may be true that some do believe this, and it is certainly true that abortion opponents would favor such a prohibition, there are no provisions in the majority’s health reform bills that would prohibit private insurers from covering abortion in coverage that is not federally funded.