



NEW YORK
CITY BAR

COMMITTEE ON SEX AND LAW

KATHARINE BODDE
CHAIR
125 BROAD STREET
NEW YORK, NY 10004
Kesbodde@gmail.com

LAURA BERGER
SECRETARY
42 WEST 44TH STREET
NEW YORK, NY 10036
Phone: (212) 382-6621
Lberger@nycbar.org

November 25, 2015

Donna Frescatore
Executive Director
NY State of Health
New York State Department of Health
Corning Tower, Empire State Plaza
Albany, NY 12237

Dear Ms. Frescatore,

We write to express concern over the November 13th Press Release issued by the by the New York State Department of Financial Services (NYDFS) about an agreement between NYDFS, the New York State of Health (NYSOH) marketplace, and Fidelis Care. This press release stated that on December 1st all Health Republic customers, except for those living in the Rochester area or Ulster County, will be automatically enrolled (“auto-enrolled”) in Fidelis Care (Fidelis). While we appreciate the State’s efforts to ensure seamless health coverage for Health Republic enrollees affected by Health Republic’s shutdown, these consumers should not be automatically enrolled in the only plan in the marketplace that does not provide comprehensive reproductive health care coverage. New York State has historically been a leader in promoting access to comprehensive reproductive healthcare services. In keeping with this tradition, the NYSOH and NYDFS should support consumers in securing an alternative health insurance plan for those in need of comprehensive reproductive healthcare. At a minimum, the State should inform individuals who are auto-enrolled into Fidelis of its limitations in coverage, and provide them the opportunity to choose a different plan.

The Sex and Law Committee of the NYC Bar Association is comprised of attorneys and legal professionals who address issues pertaining to gender and the law in a variety of areas, such as violence against women, reproductive rights, gender discrimination and family law. It has been a longstanding position of the Committee and the City Bar that comprehensive reproductive healthcare is essential to women’s health as well as their social and economic equality. To that end, we respectfully urge your office to ensure that people of reproductive age who are losing Health Republic coverage are not auto-enrolled in Fidelis unless there is a clear mechanism in place for such individuals to expediently choose an alternative health insurance plan.

Health Republic customers now have comprehensive reproductive healthcare coverage, including for abortion and contraception care. Once they are auto-enrolled in Fidelis, their access to this care will be severely limited. Abortion, one of the most common and safe medical procedures, is not covered by the plan. Legally required contraceptive care can be obtained only

through a burdensome process that requires enrolling with a third party administrator, the Unified Independent Practice Association.

Therefore, unless they enroll in alternative coverage by December 1, Health Republic consumers will see their access to reproductive care dramatically reduced. They may face out-of-pocket costs, or be forced to find a new healthcare provider.

We urge your office, in conjunction with NYSDFS, to ensure that former Health Republic consumers are able to quickly enroll, if they so choose, in a comparable plan that provides the comprehensive reproductive health care coverage that they have become accustomed to.

Thank you for your consideration.

Respectfully,

A handwritten signature in black ink, appearing to read "E. Platt". The signature is stylized with a large initial "E" and a cursive "Platt".

Elizabeth Platt

Member, Sex and Law Committee

CC:

The Honorable Andrew M. Cuomo
Governor of New York State
NYS State Capitol Building
Albany, NY 12224

Mr. Anthony J. Albanese
Acting Superintendent of Financial Services
New York State Department of Financial Services
One State Street
New York, NY 10004-1511