

Pass the Contraceptive Coverage Act

One of the greatest impediments to gender equality is the inability to make justified reproductive health decisions or decide when and if to become a parent. Contraception has been a critical tool for women to gain economic and social independence. The use, accessibility and availability of contraception also reduces the rate of unintended pregnancy and abortion.¹

As the federal government rolls back access to reproductive health care, the State of New York will continue to protect those rights. New York will not force teenagers to become parents because of a lack of access to contraception and will not make families struggle with family planning options that are, at best, antiquated. Governor Cuomo has long fought to protect access to reproductive health care for all New Yorkers, including contraception and abortion, and he will continue to fight for these essential rights.

In 2017, Governor Cuomo fought to uphold the reproductive health protections of the Affordable Care Act, irrespective of federal action, by enacting regulations that ensured access to cost-free contraception. In 2018, the Governor will advance legislation to codify access to contraception, including emergency contraception, into New York State law, by passing the Comprehensive Contraceptive Coverage Act.

Codify *Roe v. Wade* into State Law and Constitution

New York has a proud history of being the progressive capital of the country and advancing the empowerment of women. As part of his commitment to uphold that legacy, Governor Cuomo has fought for women to have access to the reproductive health services they need, when they need them, including contraception and abortion. In the face of disruptive threats from the federal government, the Governor has taken action to protect access to reproductive health services by requiring health insurers to cover contraceptive drugs and devices and all medically-necessary abortion services without co-pays, coinsurance, or deductibles.

For years, Governor Cuomo has pushed to codify the Supreme Court's *Roe v. Wade* decision and subsequent rulings into State law to secure women's access to reproductive health options. This year, the Governor will again call for the passage of legislation to ensure the right of women to make personal health care decisions to protect their health in addition to their life and ensure that health care professionals can provide these crucial services without fear of criminal penalty. The Governor will also continue to champion a constitutional amendment to codify these protections into the State constitution.

Today, as there is a true assault and attempt to roll back access to all reproductive health care and undermine women's abilities to control their own health decisions, there has never been a more critical time for protecting access to reproductive health services. The fundamental right to bodily integrity must be respected and the Governor will fight to protect women's reproductive health care in New York.

Improve Access to IVF and Fertility Preservation Services

Under current law, all commercial health insurance plans include coverage for nearly all infertility medical services. The one primary exception exists for in vitro fertilization (IVF), which had previously been considered experimental in nature.

Assisted reproduction, including treatment for infertility and IVF, has changed the lives of millions of families over the last few decades. Approximately 12 percent of women age 15-44 years old

struggle to conceive or carry a pregnancy to term.² Additionally, the ability of women to become pregnant gradually decreases beginning at age 32 and more rapidly at age 37.³ Since the infertility coverage mandate was added to New York law in 2002, the success rate of in vitro fertilization as an infertility treatment has increased, the cost has declined and the treatment can no longer be credibly characterized as experimental. Some plans, such as the NYS Health Insurance Plan (NYSHIP), even opt to include IVF as a covered benefit. As a result, it is time to revisit whether New York's coverage mandate for infertility services should permit insurers to exclude coverage for in vitro fertilization.

Governor Cuomo will direct the Superintendent of Financial Services to evaluate the best approach for incorporating coverage for in vitro fertilization into New York's infertility mandate. The Superintendent of Financial Services will therefore analyze the insurance premium consequences of coverage for in vitro fertilization other appropriate considerations to ultimately ensure that New York families confronting infertility have appropriate access to affordable in vitro fertilization. The analysis shall incorporate the lessons learned from the states that currently require coverage for in vitro fertilization and shall also include recommendations on any appropriate coverage limitations or treatment requirements.

As a corollary, New York law needs to be updated to ensure individuals have access to fertility preservation services when appropriate. The Superintendent's study shall also make recommendations to ensure that New Yorkers receiving chemotherapy, radiation, surgery or other medical services that may compromise their fertility have coverage for the medical services necessary to preserve their ability to have children in the future.

Lastly, it is imperative that all New Yorkers have access to infertility treatment and fertility preservation services regardless of sexual orientation or marital status. As such, the study shall also include a review of the State's current infertility definitions, including required trial and waiting periods, and make recommendations to ensure same-sex couples and singles also have affordable options to grow their families.

Launch Multi-Agency Effort to Combat Maternal Depression

As a champion for New York's children and families, Governor Cuomo recognizes the critical difference skillful, prompt and compassionate care can mean for women with maternal depression, which affects as many as one in seven mothers nationally. Screening increases detection, diagnosis and intervention for maternal depression, which is highly treatable if identified early. But too many front-line physicians lack sufficient training to treat depression in women who are pregnant or breastfeeding, too many women lack access to information about available services and stigma is a barrier between new moms and the mental health services they may need.

To strengthen and support the ability of New York's health care providers to deliver care to mothers experiencing maternal depression, Governor Cuomo will advance an aggressive strategy to ensure that all new mothers have access to screening and treatment. First, the Governor will direct the Department of Financial Services to require that all health insurance policies issued in the State include coverage for maternal depression screening by both adult and pediatric primary care providers, as well as speedy referrals to treatment specialists. Insurance policies that cover the child but not the mother, must provide coverage for maternal depression screening, as a critically important preventative care intervention for the health of the child. This directive will build upon additional measures to expedite referrals and treatment, including expansion of Project TEACH to connect primary care providers with mental health specialists, enhanced screening and referrals at WIC clinics and increased access to telepsychiatry for those in rural communities. Second, the Governor will direct the Department of Health (DOH) and the Office of Mental Health (OMH) to launch a strategic