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## **HEALTH ADVOCATES, CLERGY CONFIDENT THAT COURT OF APPEALS WILL UPHOLD WOMEN'S HEALTH AND WELLNESS ACT**

### **Catholic Charities Again Tries to Dismantle 2002 Law That Corrects Discrimination in Women's Health Care**

Albany, NY (September 6, 2006)—Today the New York State Court of Appeals, the state's highest court, will hear a challenge to the Women's Health and Wellness Act. The law, which has been in effect for more than three years, helps to end discrimination against women in health care. Catholic Charities has already unsuccessfully challenged this law in two New York courts. On November 25, 2003, the New York State Supreme Court found that the law protects women from discriminatory health insurance practices. That decision was affirmed by the Appellate Division, Third Judicial Department, on January 11, 2006.

"We are confident the Court of Appeals will affirm the lower courts' rulings," said JoAnn M. Smith, president and CEO of Family Planning Advocates of New York State. "The State has an important interest in gender equality and access to health care. This law promotes public health and helps to eliminate discrimination against women."

The law helps to end discrimination against women in insurance coverage by enhancing access to reproductive health care including contraception. While birth control is the most widely used prescription drug for women of reproductive age, a study conducted by the Guttmacher Institute found that it was routinely excluded from insurance plans. Nearly half of large-group insurance plans failed to routinely cover any reversible contraceptive method. Consequently, women of reproductive age were forced to pay as much as 68 percent more for out-of-pocket medical care than men.

The Women's Health and Wellness Act, which went into effect January 1, 2003, makes vital preventive health care services and treatment available to more women by requiring health insurance plans to cover osteoporosis exams, mammography, cervical cancer screening and prescription contraceptives.

"Religious leaders from many denominations believe that access to birth control is a matter of religious freedom and personal dignity," said Rabbi Dennis S. Ross, director of Concerned Clergy for Choice. "The Women's Health and Wellness Act is landmark legislation that helps to ensure that more women have access to critical health care services including contraception, mammography and bone density screening. It leaves the private decision of whether to use contraception to the individual. Any faith-based impairment of that right interferes with an employee's religious freedom. An employer engaged in secular activities, such as providing health care, has a duty to abide by the law."

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Catholic Charities of Albany relies on government funding for more than 75 percent of its operating expenses. As the lead plaintiff in the lawsuit, Catholic Charities is seeking special rights to discriminate against women employees by denying them access to needed health insurance coverage. While relying heavily on public funding, they claim they should be exempt from public rules. New York's Women's Health and Wellness Law exempts employers engaged in purely religious activities, such as seminaries, from having to provide contraceptive coverage to their employees, who in all likelihood share their employer's religious beliefs.

“Catholic Charities does much good work in our area. But it is unjust to discriminate against women,” said The Reverend Tom Davis, of the United Church of Christ in Saratoga Springs. “They serve the general public and they hire the general public. In return, they must respect and be governed by the laws the legislature passes. To use their objection to contraception as a reason for denying insurance coverage to women is, to say the least, uncharitable.”

A similar challenge brought by Catholic Charities was also defeated in California. The law was upheld by all three levels of California courts and review was denied by the U.S. Supreme Court.

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