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NYS HIGHEST COURT UPHOLDS WOMEN'S HEALTH AND WELLNESS ACT Catholic Charities Lawsuit Fails

Albany, NY (October 19, 2006)—The Women's Health and Wellness Act was upheld today by the Court of Appeals, the highest court in New York State. The six judges on the court voted unanimously to uphold this important law, which requires insurance plans to cover reproductive health services including osteoporosis exams, prescription contraceptives, and breast and cervical cancer screening.

The Court of Appeals decision in *Catholic Charities of the Diocese of Albany v. Gregory V. Serio* states that the object of the Women's Health and Wellness Act was:

“to make broader health insurance coverage available to women and, by that means, both to improve women's health and to eliminate disparities between men and women in the cost of health care.”

"This is a great day for the women of New York State," said JoAnn M. Smith, president and CEO of Family Planning Advocates of New York State. "The urgent need to prevent discrimination in health care was rightly – and unanimously – affirmed by the highest court in the state."

Catholic Charities sought special rights to discriminate against women employees by denying them access to needed health insurance coverage. Catholic Charities unsuccessfully challenged the Women's Health and Wellness law in two lower 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.

Family Planning Advocates and Planned Parenthood Federation of America brought key reproductive rights organizations together to submit an amicus brief to the court.

The Women's Health and Wellness Act, which went into effect January 1, 2003, has made vital preventive health care services and treatment available to more women in New York State. The bill was sponsored by Assemblymember Deborah Glick of Manhattan and Senator John Bonacic of Mt. Hope. Family Planning Advocates led a large coalition that worked to pass this law in 2002.

The Women's Health and Wellness Act 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, it was routinely excluded from insurance plans. According to the Guttmacher Institute, 49 percent of typical large-group insurance plans failed to routinely cover any reversible contraceptive method. Women of reproductive age were forced to pay as much as 68 percent more for out-of-pocket medical care than men.

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. A similar exemption in California's contraceptive coverage equity law was also upheld in the courts.