



June 21, 2023

Department of Banking and Insurance

Division of Insurance

Health Benefit Plans; Health Maintenance Organizations; and Health Care Quality Act Application to Insurance Companies, Health Service Corporations, Hospital Services Corporations, and Medical Service Corporations

Proposed Amendments: N.J.A.C. 11:24-1.2 and 11:24A-1.2

Proposed New Rules: N.J.A.C. 11:22-5.9A, 11:24-5A, and 11:24-2A

Dear Ms. Iles,

The Latino Action Network Foundation (LANF) is pleased to provide our response to the proposed rulemaking issued by the Department of Banking and Insurance (DOBI) on May 1, 2023, regarding abortion coverage in state-regulated health benefit plans and health maintenance organizations, as well as insurance companies, health service corporations, hospital service corporations, and medical service corporations.

As an organization dedicated to the socio-economic empowerment of Latinx communities across the State of New Jersey, LANF firmly and unequivocally supports the rights to reproductive choice and freedom for all individuals, including the right to access safe and legal abortion services.

We express our appreciation for DOBI's November 2022 report, which recommended that health benefit plans in New Jersey provide coverage for abortion. The report presented compelling arguments and evidence, and we are pleased to see the strong regulation proposed now, extending the coverage requirement to various state-regulated health benefit plans. This builds upon the previous regulations that mandated coverage in the Individual Health Coverage Program and Small Employer Health Benefits Program, which were finalized earlier this year.

Specifically, we commend the narrow definition of a religious employer and the robust notice requirements for religious employers. These provisions aim to ensure that employees with religious employers are fully informed about their health benefits plans' lack of coverage for abortion. We encourage DOBI to conduct thorough reviews of these employers' materials to ensure compliance with this regulation. Additionally, we appreciate the requirement for these employers' benefit plans to provide abortion coverage, exceeding the federal exceptions for abortion coverage, in order to safeguard the health of the covered individuals.

Latino Action Network Foundation

PO BOX 943,
Freehold, NJ 07728
(510) 858-6902



However, LANF is disappointed that the regulation falls short of requiring coverage for abortion without cost-sharing. Almost all other reproductive health care services in New Jersey are covered without cost-sharing under N.J.S.A. 17:48E-35.29, and we firmly believe that abortion should receive equal treatment in this regard.

The financial burden of out-of-pocket expenses poses a significant challenge for many low-income individuals. Even when women have insurance, the costs associated with co-pays, deductibles, and other fees may render abortion services unaffordable. For instance, Latinas are disproportionately affected by the gender wage gap, earning only \$0.45 for every \$1 earned by their white male counterparts. This financial disparity often forces them to make difficult choices between meeting essential needs and accessing necessary abortion services.

We express our gratitude and commendation to DOBI for your exceptional efforts on this critical issue.

Thank you for your time and consideration,

Sincerely,

Saray Ramos

Saray Ramos
Coordinator of Health Justice Initiatives
Latino Action Network Foundation