

New attacks on contraceptive access follow Obama cave-in on issue

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19 March 2012

In the wake of the Obama administration's cave-in last month to the Catholic Church and religious right on employers providing contraceptives to female employees, new attacks are underway aimed at denying women access to birth control.

As part of the Affordable Care Act signed into law by President Obama in March 2010, the Health Resources and Services Administration, an agency of the Department of Health and Human Services, determined that women's preventive services, including birth control, should be included free of charge as part of employer-sponsored health plans.

However, the White House has now announced that the rule will not apply to a type of plan used by some college and graduate students. On the state level, the Arizona legislature is considering a bill that would give all businesses the option to exclude contraceptives from health insurance coverage.

In early February, the president capitulated to right-wing, religious opponents of the provision requiring religiously-affiliated employers—such as charities, universities, schools and hospitals—to provide access to birth control, announcing that the coverage would instead be provided and funded by insurance companies. Obama had already made a major concession to these forces when he announced in January that churches would be exempt from the rule.

Obama's cave-in represented a blow to the fundamental democratic principle of separation of church and state laid down in the First Amendment to the US Constitution. With claims that his actions are based on a defense of "religious liberty," his

capitulation has in reality set the stage for further attacks on women's rights to access birth control, as well as other democratic rights of the population.

As has been clear from the start of the debate over health care reform, the administration is demonstrating that it is prepared to capitulate to its right-wing opponents all down the line—whether on the issue of a "public option" for health-care coverage, long-term patient care, or now on contraceptives.

In the latest concession, the White House announced Friday that the rule requiring employers to provide free contraceptive coverage will not apply to a type of plan used by about 200,000 college and graduate school students. Administration officials now say that due to "technical legal reasons" the rule does not extend to so-called self-insured student plans.

Under these "self-insured" plans, colleges and universities collect premiums directly from students, and then use these resources to pay for students' health care. For the majority of students with coverage on campuses across the country—about 800,000—schools purchase coverage from insurance companies on their behalf. These students will have access to birth control coverage.

Religious institutions, including some universities, have complained that providing contraceptives to students through their insurance plans is at odds with their "religious beliefs." In a perverse twist in regard to this latest exemption, universities will now be allowed to deny contraceptive coverage to young women covered by plans financed by the students themselves.

One indication of the lengths the Obama administration is willing to go to satisfy anti-democratic religious bigotry is the variety of schemes being considered to aid those employers that refuse to provide access to birth control on religious grounds.

Under one scenario, “third-party administrators” would be required to cover the costs of birth control. These administrators could draw on revenue from other businesses, such as disease management or drug benefit programs.

Another idea is to grant rebates from a re-insurance fund paid into by all administrators under a provision of the health care legislation. The final option being explored by Obama health care officials is to provide incentives to private, multi-state health insurance plans to provide birth control in cases where employers refuse to do so.

As the WSWS predicted when Obama caved in last month on the issue of religiously affiliated groups, backward, religious opponents of contraceptives have been emboldened by the move. In Arizona, a bill in the state legislature is now being considered that would allow all businesses, not just religious institutions, to exclude contraceptives from health insurance coverage on religious or “moral” grounds.

Arizona is among at least 26 states that generally require health plans to cover contraceptives; it is also included in a group of states that allow churches and other institutions to opt out of providing the coverage. Missouri and New Hampshire have also considered legislation to broaden their opt-out provisions.

Arizona’s House Bill 2625 would require that women seeking reimbursement for contraceptives through their employer-provided health plan provide proof from a doctor that they are taking the drugs for reasons other than preventing pregnancy, such as for treating acne, endometriosis or another medical condition.

Another medieval provision of the bill would overturn a state law that bans religion-based employers from punishing or firing workers who obtain contraceptives from a source other than through their

employers’ health plans. In other words, a woman who is denied birth control coverage by her employer, and then obtains it from a women’s clinic or other health care provider, could be fired without recourse.

It is unclear whether House Bill 2625, which is now being considered in the Arizona Senate, will be implemented. Speaking on NBC’s “Meet the Press” Sunday morning, Arizona Senator John McCain, a Republican, indicated he did not think the legislation would pass, and that if it reached Arizona Governor Jan Brewer’s desk she would veto it.

What is clear is that the Obama administration’s capitulation on the issue of contraceptives—a legal class of drugs whose use is supported by an overwhelming majority of the American public—underscores the lack of commitment from any section of the political establishment to the defense of basic democratic rights.



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