



September 28, 2010

**RE: OCIO-9995-IFC, Pre-Existing Condition Insurance Plan Program**

Dear Secretary Sebelius:

I write to express my deep concerns about the portion of the Interim Final Rule published in the Federal Register on July 30, 2010, that strictly limits abortion coverage through the Pre-Existing Condition Insurance Plan Program established under Section 1101 of Title I of the Patient Protection and Affordable Care Act (the “Affordable Care Act” or the “Act”). Section 152.19(b) of the Interim Final Rule bars the use of Federal funds for the coverage of abortion except in cases of rape, incest, or when the life of the woman is endangered.<sup>1</sup> It also renders uncertain whether states that are willing to provide abortion coverage may do so in the Pre-Existing Condition Insurance Plans (“PCIPs”) without using federal funds.

Health care reform was supposed to help people who have been unable to get health insurance because of pre-existing medical conditions. But, the rule you issued for the new Pre-existing Condition Insurance Plans (OCIO-9995-IFC) denies women with serious medical conditions, like cancer and heart disease, the coverage they desperately need to end pregnancies that are threatening their health.

There is nothing in the language of the Affordable Care Act, nor any other federal law, that mandates the inclusion of such a restrictive policy. To the contrary, there are sound medical and public policy reasons for including abortion care in the coverage offered to women with pre-existing medical conditions, for whom pregnancy can precipitate serious complications.

Health insurance for women with pre-existing conditions should safeguard their health, not deny them the care they need. Therefore, we urge you to reaffirm your commitment to providing access to comprehensive reproductive health care. When the final rule is issued, we request you rescind the limitations on abortion coverage; and include language that clearly allows states that are willing to provide abortion coverage through PCIPs, the ability to do so.

Sincerely,

National Asian Pacific American Women’s Forum

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<sup>1</sup> Section 152.19(b) states: “[T]he services covered by the PCIP program shall not include abortion services except in the case of rape or incest, or where the life of the woman would be endangered.”