

MOTION BY SUPERVISOR SHEILA KUEHL

May 15, 2018

**Signing onto an Amicus Brief in Support of the Affordable Care Act's Employer Mandate to Provide Preventive Services for Women in Health Insurance Plans**

The Affordable Care Act (ACA) requires health insurance plans to cover preventive services for women that follow comprehensive guidelines and do not require any out-of-pocket cost to the patient. This provision, known as the Women's Health Amendments, is intended to provide coverage for preventive services unique to women, including breast cancer screening and contraceptive services, in order to address gender-based disparities in healthcare costs. These amendments have been hailed by health care advocates for recognizing that cost is often a significant barrier preventing women from getting the care they need to stay healthy and to lead productive lives.

On October 6, 2017 the Federal government, in an attempt to weaken the protections offered by the ACA, issued the Religious Exemption Interim Final Rule (IFR) and the Moral Exemption IFR. The Religious Exemption IFR broadens the scope of the existing religious exemption "to encompass entities, and individuals, with sincerely held religious beliefs objection to contraceptive or sterilization coverage." The Moral Exemption IFR expanded "the exemption to include additional entities and persons that object based on sincerely held moral convictions."

MOTION

SOLIS \_\_\_\_\_

RIDLEY-THOMAS \_\_\_\_\_

HAHN \_\_\_\_\_

BARGER \_\_\_\_\_

KUEHL \_\_\_\_\_

On October 6, 2017, the States of California, Delaware, Maryland, New York and Virginia filed a lawsuit challenging these actions and sought a preliminary injunction barring the Federal government from implementing the 2017 Religious and Moral Exemption IFRs. The North District Federal Court granted the preliminary injunction but the Federal government is currently appealing this decision to the Ninth Circuit.

The City of Oakland and Santa Clara County have drafted an amicus brief in support of the preliminary injunction and have invited Los Angeles County to join as a party to that amicus brief. If the injunction is reversed on appeal, the IFRs could result in substantial harm to the County and its residents. Hundreds of thousands of Los Angeles County residents are insured through health plans that may be affected by the IFRs. If the IFRs are implemented, employers offering self-funded health plans would be allowed to drop contraceptive coverage without notice to their employees. This would have a profound negative impact on women in the County and across the country. Without access to free preventive services, our residents will lose access to vital family planning, cancer screening, and prenatal care services. By signing onto the amicus brief, the County can take a proactive step to protect our residents and their access to critical services.

**I, THEREFORE, MOVE** that the Board of Supervisors: Direct County Counsel to join the amicus brief seeking to uphold the preliminary injunction in order to protect women's access to preventive services.