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COURTS UPHOLD WOMEN'S HEALTH AND WELLNESS ACT Catholic Charities Lawsuit Fails

Albany, NY (January 12, 2006)—Family Planning Advocates of New York State applauded today's Appellate Court decision upholding New York's Women's Health and Wellness Act. This is the second failed legal attempt by Catholic Charities of Albany to dismantle the Women's Health and Wellness Act. The New York State Supreme Court first upheld the law in a decision issued November 25, 2003.

The Women's Health and Wellness Act, which went into effect January 1, 2003, makes vital preventive health care services and treatment available to more women by requiring insurance plans to cover osteoporosis exams, prescription contraceptives, and breast and cervical cancer screening. The bill was sponsored by Assemblymember Deborah Glick of Manhattan and Senator John Bonacic of Mt. Hope. Family Planning Advocates (FPA) led a huge coalition that worked to pass this law and brought key reproductive rights organizations together to submit an amicus brief to the court.

"The courts have again affirmed New York's Women's Health and Wellness Act – and rightfully so," said Family Planning Advocates President and CEO JoAnn M. Smith. "This important law promotes public health and helps to eliminate discrimination against women."

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 Alan 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.

"I am pleased with the court's decision," said Reina Schiffrin, president and CEO of Planned Parenthood Hudson Peconic. "The Women's Health and Wellness Act is landmark legislation that helps to ensure that the women of New York have access to critical health care services including contraception, mammography and bone density screening. It would be tremendously unfair to deny women the health care they need and deserve."

Catholic Charities' lawsuit sought special rights to discriminate against women employees by denying them access to needed health insurance coverage. While relying heavily on public funding, these religiously-affiliated agencies claim they should be exempt from public rules. Catholic Charities of Albany – the lead plaintiff in the lawsuit filed in State Supreme Court in the County of Albany – relies on government funding for more than 75 percent of its operating expenses.

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 has also been upheld in the courts.

Catholic Charities of the Diocese of Albany v. Gregory V. Serio was argued in the State of New York, Supreme Court, Appellate Division, Third Judicial Department, on February 3, 2005.