



## MEMORANDUM IN OPPOSITION

S.3148-A (Savino) / A.2646-A (Simotas)

**AN ACT to amend the insurance law, in relation to insurance coverage of in vitro fertilization and other fertility preservation treatments**

The Capital Region Chamber, representing 2,400 businesses and organizations from throughout the Capital Region that employ more than 150,000 area residents, opposes S.3148-A /A.2646-A, which would require health insurance policies to provide coverage for in-vitro fertilization (IVF).

Specifically, the bill would amend the Insurance Law to mandate coverage of IVF procedures as a new coverage benefit. New York State, in compliance with the Affordable Care Act (ACA), is required to cover ten Essential Health Benefits (EHBs). Addition of IVF would be an eleventh EHB. Federal law requires any state that adds coverage benefits above the ten EHBs to pay for such additional services with state funds. No appropriation is included in this legislation, nor is there any language to make clear that the families and small business premium payers are exempt from this coverage cost in compliance with the ACA.

Currently, the Department of Financial Services (DFS) is studying how best to include in vitro fertilization in the state's existing infertility coverage mandate. Given the significant financial impact that expanding the IVF mandate would have on the cost of coverage for employers and consumers it is critical for that examination to take place to understand the efficacy and cost implications of such services. The DFS study should be allowed to take place to provide a more complete picture of the fiscal impact and clinical appropriateness.

The Capital Region Chamber has long supported affordable and comprehensive access to health insurance and a robust healthcare system without imposing new mandates. This proposal would impose a significant and costly mandate.

For these stated reasons, the Capital Region Chamber opposes this legislation.

At the Center of New York's Tech Valley  
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