

POLICY BRIEF

HOUSE REPUBLICAN CONFERENCE | Mike Pence, Chairman

ObamaCare's High Risk Pools and Abortion Coverage

Under ObamaCare, states had the option to administer their own high risk pool for people who are sick or have the federal government run it in their state. In all, [21](#) states said they did not want to administer the high risk pool because of the additional cost it would impose on their citizens.

In fact, the [Congressional Budget Office](#) said recently that the \$5 billion under ObamaCare to cover sick people with preexisting conditions is not enough money and, as a result, many sick people will not have access to health insurance through ObamaCare's high risk pools, so they will still be uninsured.

Pennsylvania and New Mexico are two states that chose to administer ObamaCare's high risk pools.

Pennsylvania

Pennsylvania is one state that chose to administer ObamaCare's temporary high risk pool for sick people with people with preexisting conditions. Page 14 of [Pennsylvania's proposal](#), which was signed by the Pennsylvania Insurance Department on June 1, states: "Abortions: Includes only abortions and contraceptives that satisfy the requirements of 18 Pa.C.S. § 3204-3206 and 35 P.S. §§10101, 10103-10105."

An investigation by the National Right to Life Committee discovered that section 3204 says an abortion is legal in Pennsylvania (consistent with *Roe v. Wade*) if a physician believes that it is "necessary" based on "all factors (physical, emotional, psychological, familial and the woman's age) relevant to the well-being of the woman." The cited statute provides only a single circumstance in which an abortion prior to 24 weeks is NOT permitted under the Pennsylvania statute: "No abortion which is sought solely because of the sex of the unborn child shall be deemed a necessary abortion."

New Mexico

In addition, New Mexico chose to administer its own high risk pool. A [summary of benefits](#) for its high risk pool lists abortion as a covered service. New Mexico is already accepting applications for their risk pool.

Now, the administration claims that National Right to Life got it wrong because HHS contracts specify that high risk pools must "follow all federal laws and guidance." Since ObamaCare did not include a prohibition on funding for abortion and abortion coverage, no federal law prohibits abortion in high risk pools, and, to date, the Obama administration has not issued ANY guidance on abortion coverage in high risk pools.

[President Obama's Executive Order](#) also does not cover high risk pools. It only specifies that there will be no abortion funding in community health centers and outlines an accounting gimmick to allow abortion coverage subsidies in the state exchanges to be established by 2014. As a result, several states have already passed laws outlawing taxpayer funding of abortions in the exchanges.

If pro-life leaders had not uncovered the truth that the administration was allowing high risk pools to pay for abortion, taxpayers would have paid for abortion in Pennsylvania and New Mexico.

This funding may also be included in programs from other states, which is why, on July 14, Republican leaders in the House sent Sec. Sebelius a letter asking for approved applications and contracts from Pennsylvania and other states and the contract with the administrator of the federal high risk pool. That is the second high risk pool letter House Republicans sent to Sec. Sebelius. On [July 1](#), Republicans on the Committee on Energy and Commerce invited Sec. Sebelius to brief members of Congress on high risk pools. Unfortunately, she has not replied to that invitation from House Republicans.

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