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# **EMPLOYER ALLIANCE NEWSLETTER**

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March 2000

## **Differing Infertility Mandate Bills Pass Each House**

**EMPLOYER ALLIANCE MEMBERS CONTINUE TO ADVOCATE FOR AFFORDABLE HEALTH CARE**

In early February, the state assembly and senate, in rapid fire, passed *similar* legislation that would require employers to cover infertility treatments. **For a bill to become law, each house must pass identical legislation and then be signed by the Governor.** The **Employer Alliance** continues to actively oppose this and every other mandate that would increase the costs of health insurance.

### **Differences in the Bills**

Of the two proposals, the senate bill appears to be less onerous. Under **S.3131-B** enrollees are limited to a \$60,000 lifetime cap on infertility treatments. Additionally, recipients must be between the ages of 25 and 44 to be eligible for services. Finally the senate bill contains a "conscience clause"- a provision that allows an exemption from the mandate for entities controlled by, or in connection with a religious organization that morally opposes infertility treatment. The assembly's proposal, **A.7303**, carries no age restrictions, provides for as many as six separate procedures and applies to the Medicaid program. Surprisingly, during this period of rising pharmacy costs, *both bills have unlimited pharmaceutical benefits.* Actuarial analysis predicts that employers' premiums will rise 3% to 5% to cover this benefit.

### **What's Ahead**

Although lawmakers' demonstrated a willingness to pass this mandate, it's unclear whether the houses will be able to bridge the differences in the bills. Some believe the differences in the two bills are insurmountable. In particular, the conscience clause appears to be a major roadblock to an agreement. However, others suggest that since this is an election year, both sides will be able to reach a consensus on this bill to the delight of the variety of special interest groups who have lined up to support this legislation.

For the **Employer Alliance** the stakes have never been higher. Fortunately, it appears that the fate

of this legislation will be determined in the final hours of the legislative session in June. This will enable the **Alliance** time to mobilize its advocacy efforts. **Every member is asked to get involved in the fight against this mandate** (see the "Action Alert" below).

### **Mandate Relief Legislation Introduced**

The chairs of the respective Insurance Committees have introduced legislation (**S.6725/A.9615**) that will require an analysis of all health insurance mandate bills prior to consideration. Largely modeled on legislation passed in Kansas last year, these bills require every mandate passed by the Legislature to first apply only to the state health plan. After a period of three years, a study would be conducted to analyze the impact of the mandate on premiums, utilization and quality of care. Only after the completion of the study would the Legislature be able to consider extending the mandate to the commercial markets.

The introduction of these bills is a victory for the **Employer Alliance**. While similar bills have been introduced in the past, this is the first time they have been introduced by the insurance chairs in each house. The senate bill has already been unanimously passed out of the Insurance Committee and referred to the Finance Committee. The **Employer Alliance** will be actively advocating for final passage of this important mandate reform.

### **ACTION ALERT ACTION ALERT**

**COMPLETE AND RETURN THE ENCLOSED ACTION ALERT AND HELP FIGHT THE INFERTILITY PROPOSAL AND OTHER MANDATES THAT DRIVE UP YOUR COSTS**  
**BY:**

1. **Writing a letter to your lawmaker**
2. **Sending a letter to the editor to your paper**
3. **Joining us in visiting your legislators**

## Other Legislative Activity

What a difference six weeks makes!

In the final weeks of 1999, the Legislature passed the Health Care Reform Act – a \$9 billion Act that serves as the foundation of New York’s hospital reimbursement system and other large health care entitlement programs. Key components of this legislation included a variety of measures (including a new small business program) meant to make insurance more available for up to one million New Yorkers who currently have no coverage. At that time, lawmakers congratulated themselves on making health care more accessible by making it more affordable.

Ironically, by the middle of February both houses had passed infertility bills. Of the first 24 bills passed in the Assembly, eight were mandates, requiring the coverage of additional benefits. “It is a classic case of ‘legislative amnesia’,” stated Scott Miller, Chairman of the **Employer Alliance**.

## Alliance News and Activities

The 2000 **Employer Alliance** recruitment drive is in high gear. In the past month, nearly 100 new members have joined our efforts! With more than 700 members now in the **Alliance**, we are the second largest, single issue, business coalition in the state.

The **Employer Alliance** wishes to thank Betty Newell (Hamburg Chamber), James Batsford (Schoharie Chamber), Nancy Kruegler (Latham Area Chamber), Rich Vogelzang (Greece Chamber), Kevin Schuler (Niagara Business Alliance) and Don Cullen (The Young Agency) for their efforts in this drive.

### **Grassroots Advocacy Efforts**

- ✓ In February, we sent a letter to every legislator that included the name of 600 **Alliance** members urging a moratorium on all insurance mandates and the passage of mandate relief legislation.
- ✓ During January and February, we implemented a letter to the editor campaign. **Employer Alliance** members had our message of affordability printed in six major daily newspapers.

**Employer Alliance e-mail address:**  
[employeralliance@yahoo.com](mailto:employeralliance@yahoo.com) - write us!

## Recent Surveys

A survey of 456 businesses statewide by the Business Council led president Dan Walsh to conclude that “business thinks New York’s health-care costs are dangerously swollen...Our health-care spending is far out of line with other states.” The report noted that 95% of the respondents agreed that new mandates would drive up health care costs. **Employer Alliance** members sent in more than 100 surveys. The results of this survey encouraged the Business Council to make affordable health care the central theme of their small business lobby day.

Similarly, in a survey of 989 small employers in New York conducted by the National Federation of Independent Business, 59% of the respondents placed health insurance costs at the top of the “most serious problems for small businesses in New York today.” The survey also reported that one-third of all businesses saw their insurance premiums increase by more than 10%.

### Quote to Note:

*“The Legislature must apply itself now to passing new reforms that will lower the insurance for all employers. Otherwise, private health coverage levels will continue to plunge.”* Mark Alesse, State Director NFIB

## Small Business Lobby Day - March 28<sup>th</sup> - Dedicated to Halting Insurance Mandates

As noted, the Business Council has dedicated its small business lobby day to opposing health mandates and seeking reforms that drive down costs. On this day, more than 200 business owners from across the state will converge on the Capitol to bring the message of affordability and mandate relief to key decision makers. **We urge every Employer Alliance member to come to Albany and have his or her voice added to this important effort.**

Enclosed is a brochure describing the day’s events, which include a panel discussion on affordability and a keynote address by NYC Mayor Rudy Giuliani. The day will be topped off by visits to lawmakers. Please fill out the registration form and plan to be in Albany on March 28<sup>th</sup> and make sure to wear the enclosed “Stop the Mandates Madness” button!