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Pennsylvania to join federal exchange; impact on abortion issue unclear

by Matthew Gambino by Lou Baldwin by Catholic News Service

Philadelphia — Pennsylvania Gov. Tom Corbett announced Dec. 12 that the state would not set up its own health insurance exchange and instead join the federal exchange, which will cover elective abortions.

Just how the decision will impact such issues as abortion was not totally clear.

At the Pennsylvania Pro-Life Federation, legislative director Maria Vitale Gallagher said she thinks states can opt out of abortion coverage in the federal exchange.

Douglas Johnson, legislative director for National Right to Life in Washington, said though the Patient Protection and Affordable Care Act will cover abortions, individual states can pass a law to opt out of abortion coverage if the state has decided not to set up its own insurance exchange program.

Under the wording of the law it doesn't matter whether the state or the federal government runs the exchange program. At least 15 states have already done this, he said, adding that "it has to be a well-drafted opt-out law."

Unless the state legislatures do this, abortion will be covered under the law.

In Pennsylvania, the state Catholic conference, after consultation with its attorneys, believes the opt-out is possible. The conference, which is the public policy arm of the state's bishops, is urging the Legislature to draft legislation for it, but nothing can happen until lawmakers reconvene in January.

The Catholic conference has placed a petition on its website asking people to contact their legislators to enact an opt-out law, according to Amy Hill, its communications director.

The federal exchange enables qualified Pennsylvania residents to purchase a health care plan, if not already covered by an employer's plan, that they will be required to have under the Affordable Care Act by 2014.

A state exchange would have given Pennsylvania the ability to opt out of abortion coverage. The Pennsylvania Catholic Conference said in a statement Dec. 12 that it will work with other pro-life groups to "explore every option to avoid the federal elective abortion provision."

"The Catholic Church has long and consistently advocated for the reform of the American health care system," the statement said. "Access to health care is fundamental and necessary for human dignity. Yet concerns raised during the health care reform debate about conscience protection and coverage of elective abortion are not resolved."

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Corbett explained in a statement he had to make a decision on the exchanges by the federally mandated deadline of Dec. 14. For two years, he said, his administration had been planning for implementation of the health care law that passed in spring of 2010.

Although his administration had sought information from the federal Department of Health and Human Services to "help determine costs, impacts and flexibility in order to inform our decisions," he received "little acknowledgement."

"Even HHS Secretary (Kathleen) Sebelius recently admitted on a call with governors that the regulations released a few weeks ago were not final and that more drafts are to be expected," Corbett said.

He decried the "haphazard planning" of the health care reform law's implementation: "Pennsylvania taxpayers and businesses deserve more," Corbett said. "They deserve informed decision making and a strong plan that responsibly uses taxpayer dollars.

"Therefore, I have decided not to pursue a state-based health insurance exchange at this time. It would be irresponsible to put Pennsylvanians on the hook for an unknown amount of money to operate a system under rules that have not been fully written."

In a Dec. 12 letter to Sebelius, Corbett called state authority to run health insurance exchanges "illusory," and said he believed Pennsylvania "would end up shouldering all of the costs by 2015, but have no authority to govern the program."

He expressed concerns over "the costs of Medicaid expansion in Pennsylvania, which could reach more than \$4 billion in state-only costs over the next eight years. This could mean substantial tax increases to Pennsylvania families."

He pledged to work with HHS to obtain details on "costs, impacts and flexibility involved in the different options for Medicaid expansion," and to "provide greater access to high quality and more affordable health care coverage for Pennsylvanians."

Pennsylvania is now one of 22 states to join the federal exchange and not set up their own state-based exchanges, according to the Kaiser Family Foundation. States will be able to reconsider their choice of exchanges each year.

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