

MEMORANDUM OF SUPPORT

An act to amend the insurance law, in relation to insurance coverage of in vitro fertilization and other fertility preservation treatments A.2646 (Simotas)/S.3148 (Savino)

The American Congress of Obstetricians and Gynecologists (ACOG), District II, supports access to in-vitro fertilization (IVF) treatment and reproductive care for all individuals regardless of individual characteristics, such as age or sexual orientation.^{1,2}

The legislation seeks to remove some of the barriers individuals face when deciding to undergo IVF treatment by requiring large group insurance policies to cover IVF and removing discriminatory age requirements previously in place. The definition of infertility is also clarified in the legislation to describe infertility as “a disease characterized by the incapacity to impregnate another person or to conceive, as diagnosed by a physician licensed to practice medicine in the state, or by the failure to establish a clinical pregnancy after twelve months of regular, unprotected sexual intercourse.”³

According to the American Society for Reproductive Medicine (ASRM), infertility is a disease that can profoundly impact an individual’s life, causing medical, social, economic, and psychological harm.^{4,5} Approximately 12% of women age 15-44 years old struggle to conceive or carry a pregnancy to term.⁶ The ability of women to become pregnant (fecundity) gradually decreases as they age, with fecundity significantly decreasing at age 32 and even more rapidly at age 37.¹ Infertility can affect both men and women of all races, ethnicities, orientations, and socio-economic status, making it an important public health issue.

IVF is an effective treatment option for individuals with infertility who want to have children but otherwise cannot conceive. It does however come at a high cost for those individuals who lack health insurance or whose health insurance does not cover fertility treatments. The ASRM reports that the median price for a cycle of IVF is \$19,200 out of pocket.⁵

The benefits of insurance coverage for infertility to both patients and providers are significant. Patients are able to receive the appropriate, necessary medical treatment without substantial financial strain and providers are able to provide care not based on what a patient can afford, but rather on what is medically necessary. Six states provide coverage for the diagnosis and treatment of infertility, including IVF, through state law mandates.⁵

(over)

¹ ACOG. Committee Opinion: Female Age-Related Fertility Disease. Published March 2014.

² ACOG. Committee Opinion: Health Care for Lesbians and Bisexual Women. Published May 2012.

³ A2646 & S7219. New York State Assembly and Senate.

⁴ ASRM. Definitions of infertility and recurrent pregnancy loss: a committee opinion. Published January 2013.

⁵ ASRM. Disparities in access to effective treatment for infertility in the United States: an Ethics Committee opinion. Published September 2015.

⁶ CDC. Infertility FAQs. Retrieved from <https://www.cdc.gov/reproductivehealth/infertility/index.htm>. February 2017.

The American Congress of Obstetricians and Gynecologists (ACOG), District II represents over 4,000 board certified obstetrician-gynecologists in New York State who deliver health care to New York’s women. The Albany office offers the State Legislature its resources as a non-profit, scientific, and educational organization dedicated to accessible and quality health care for women. For further information, please contact the office at 518-436-3461 or info@ny.acog.org.

Additionally, the Department of Veterans Affairs recently amended their regulations to include fertility counseling and treatment, including IVF, to veterans and spouses whose infertility results from a service-connected disability.⁷ In passing this legislation, New York would join these states and departments in addressing this important public health issue.

ACOG District II urges policymakers to establish affordable, safe, and effective infertility treatments for the residents of New York and as such, **supports the passage of this legislation.**

⁷ Department of Veterans Affairs. Fertility Counseling and Treatment for Certain Veterans and Spouses. Published January 2017.