NWLC Files Complaints Against Five Institutions for Sex Discrimination in Health Care Coverage

Complaints highlight groundbreaking law prohibiting sex discrimination in health plans

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(Washington, D.C.) This morning, the National Women’s Law Center (NWLC) filed sex discrimination complaints against five institutions that exclude pregnancy coverage from the health insurance benefits provided to their employees’ dependent children. These complaints, believed to be the first to challenge dependent pregnancy coverage exclusions under Section 1557 of the Affordable Care Act (ACA), were filed with the Office for Civil Rights (OCR) in the U.S. Department of Health and Human Services. The ACA is the first federal law to bar sex discrimination in health care programs that receive federal funds.

The complaints were filed against a mix of private and public institutions in every major region of the United States.

“Pregnancy coverage is an essential insurance benefit for women,” said NWLC Co-President Marcia D. Greenberger. “Our message to every institution providing health insurance in the country is that treating pregnancy differently, including by omitting it from health insurance coverage, is sex discrimination pure and simple and as such violates the law.”

Section 1557 of the ACA protects individuals from discrimination on the basis of sex (as well as race, color, national origin, age, disability, gender identity, and sex stereotypes) in health care plans. The prohibition against sex discrimination requires that plans provide comprehensive coverage to women, including full coverage for gynecological and maternity care, on the same terms as other benefits. Treating pregnancy differently also has long been considered sex discrimination under civil rights statutes such as Title IX and Title VII.

“When an institution excludes maternity coverage for the female dependent children of its employees, it means that young women on their parents’ plans receive benefits that are less comprehensive than those provided to young adult men,” said Judy Waxman, NWLC Vice-President for Health & Reproductive Rights. “Providing a less favorable set of benefits to employees’ daughters compared to their sons is not only unfair, it is also discrimination on the basis of sex – a violation of Section 1557 of the ACA.”

A growing number of young women are staying on their parents’ health care plans because the ACA requires plans that offer coverage to dependent children to extend that coverage up to age 26. Each year, there are an estimated 2.4 million pregnancies among women under age 25, and the medical costs associated with pregnancy and childbirth can be substantial. According to the March of Dimes, an uncomplicated pregnancy can cost over $10,000 on average, including prenatal care, routine delivery and post-pregnancy care.

“The ACA has made great strides in improving women’s health care and addressing sex discrimination in health insurance coverage,” Greenberger said. “The Center is confident that OCR will take all necessary steps to investigate these complaints and ensure that young women have equal access to comprehensive health care coverage.”

The institutions cited in the 1557 complaints filed today are:

- Battelle Memorial Institute, a research and development organization based in Columbus, Ohio, with over 22,000 employees in more than 100 locations globally, including many across the U.S.
- Beacon Health System, located in South Bend, Indiana, is the parent organization of Elkhart General Hospital and Memorial Hospital of South Bend, which operate in North Central Indiana and Southwestern Michigan. Beacon employs over 3,800 people.
- Auburn University, a public university in Auburn, Alabama with over 4,500 full-time non-student employees.
- Gonzaga University, a private university located in Spokane, Washington with 1,000 faculty and non-faculty employees.
- The Pennsylvania State System of Higher Education (PASSHE), located in Harrisburg, Pennsylvania, is “a public corporation and government instrumentalty” consisting of fourteen public universities across the state. PASSHE employs over 12,150 professional and support staff.

The complaints listed above are available at: http://www.nwlc.org/resource/nwlc-section-1557-complaint-sex-discrimination-complaints-against-five-institutions

For more information on nondiscrimination protection in the Affordable Care Act: http://www.nwlc.org/resource/nondiscrimination-protection-affordable-care-act-section-1557