

## FAQS on the “Separate Payments Rule”

### **How can government plans from the Affordable Care Act cover abortion? Isn't taxpayer funding for abortion already against the law?**

When the Affordable Care Act (ACA) became law in 2010, one major piece of the Hyde amendment (i.e., the law that prevents taxpayer funding of abortion) was missing from it. The ACA omitted the prohibition on use of federal funds to pay for **health plans** that cover elective abortions. Instead, the ACA required health insurance companies with plans that cover elective abortions to collect a separate payment (at least \$1 per month) from each enrollee for coverage of those abortions. And the insurance company must deposit these separate elective abortion payments into a separate account that only includes those payments, and that is used exclusively to pay for elective abortions.

### **So the rule is already part of the law. Why didn't it work the first time?**

The separate payment provision is simply being ignored by many health insurers, according to a 2014 [Government Accountability Office Report](#). This may be because when the ACA was first put into effect, the Obama Administration failed to enforce that part of the law. As a result, many pro-life Americans seeking health insurance under the ACA are likely unaware that their plan covers abortions and that they are paying an additional premium to pay for them.

In order to fix this problem, the Department of Health and Human Services has proposed new regulations directing issuers of health insurance plans to follow this provision of the law. The regulations require issuers to send a separate monthly bill to the consumer for the portion of the premium that covers abortion.

In other words, the new rule will remind health insurers about the law, and give them reason to believe the government will make them comply with it this time.

### **Why don't we just change the law to prevent use of government money to pay for plans that cover abortion?**

Ultimately, we are continuing to work to get the ACA amended to prohibit use of federal funds to pay for health plans that cover abortion. But it is **Congress**, not the Administration, who must take that action.

Until they do, adoption of this “Separate Payments” rule will allow consumers to see more clearly when they are paying for elective abortions and to seek a plan that does not cover it. It may also motivate companies to offer more plans WITHOUT abortion coverage.