

COLORADO ACOG – STATEMENT OF SUPPORT FOR SB23-189

March 14, 2023

Prepared by Dick Brown: dickscuba@gmail.com

On behalf of my client, the Colorado Section of the American Congress of Obstetricians and Gynecologists (Colorado ACOG), I want to convey the support of the physicians for SB23-189 and ask that the committee vote to send it forward in the process.

The bill would provide long needed financial support for patients seeking reproductive health care. It addresses both private insurance coverage and also Medicaid. It also rationalizes treatment by completing current law exemptions for step therapy and prior authorization requirements for the acquisition of HIV medications.

SB23-189 would provide that the non-emergency transportation service provided under Medicaid can include transportation to facilities for an abortion. Medicaid is an income based support program and it has long been known that a sometimes insurmountable barrier for lower income groups to securing medical care is transportation. SB23-189 recognizes that barrier and will provide a patient with the means to travel for her needed care.

SB23-189 fills a gap in coverage by addressing the somewhat fractured treatment for sexually transmitted infections including for HIV prevention medications and services. The bill recognizes that the patient's health-care provider can determine the best course of treatment within CDC guidelines. This important component part of the bill addresses several health care issues such as kidney function testing, Hepatitis B vaccinations, pregnancy testing as well as others.

A critically important provision of SB23-189 is that related to the payment by insurance plans for total abortion care. The bill provides that such care must be provided without requirements for copayments, coinsurance or deductibles. Similarly, the bill has a corresponding prohibition against requiring copayments, deductibles, coinsurance or other financial devices and no limits on setting annual or lifetime caps on benefits for the treatment of sexually transmitted infections. A corresponding prohibition is included for sterilization procedures.

SB23-189 includes a groundbreaking provision that addresses a minor's ability to secure contraception without the involvement of parents, guardians or other persons who have custody or decision-making authority for the minor. A particularly creative provision would be the establishment of a "Reproductive Privacy Cash Fund" to assist minors in securing reproductive health-care services. This cash fund will be extremely valuable to minors who participate in the Medicaid program

The physicians of Colorado ACOG support SB23-189 and ask the committee members to vote to send it forward in the process.

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Senator Rhonda Fields
Chair, Senate Health & Human Service Committee
200 E Colfax Avenue
Denver, CO 80203

February 23, 2023

Dear Senator Fields:

Thank you for this opportunity to provide written testimony in support of Senate Bill 23-189, “Increasing Access to Reproductive Health Care.” I am writing on behalf of CORA Colorado, a statewide nonprofit organization whose mission includes promoting public health strategies that work in the real world to prevent HIV and provide access to effective treatment for those living with HIV.

Based on years of published research, and the experiences of people living with HIV, drug utilization management strategies (such as requiring prior authorizations and step therapy) interfere with the patient/doctor relationship and pose a serious threat to quality of HIV care. Recognizing this fact, thirteen other states have enacted legislation that prohibits these practices for HIV treatments, and Medicare has a similar prohibition. SB 23-189 is the opportunity to extend these protections to all Coloradans living with HIV.

You may hear claims that there are “legitimate clinical reasons” to impose drug utilization management. That is disingenuous, at best. Colorado has an excellent track record – one of the finest in the country – for HIV doctors prescribing the appropriate medication for their patients, based on rigorous criteria, include viral resistance testing to determine the optimal HIV drug regimen. Drug utilization management serves only one purpose – to encourage/force people to “try” less costly treatments. For people living with HIV, this is a very short-sighted cost saving strategy. The costs of an avoidable hospitalization or “salvage therapy” far exceed any savings gained through drug utilization management. It would also overburden our providers of HIV care to take the time to submit prior authorization requests to people who have less understanding of HIV care, resulting in unnecessary and ill-advised delays in care. In addition, most HIV medications are brand name. There are no less-costly regimens to which patients can be steered. It is a waste of time and effort for all involved.

More broadly speaking, SB 23-189 will also provide better access to STI screening and treatments and HIV prevention medications, regardless of ability to pay. This will strengthen the public health enjoyed by all Coloradans.

Sincerely,

Robert Bongiovanni
Board Chair

Madam Chair and members of the committee, my name is Britt Bermingham, and I'm the organizing manager at Centennial State Prosperity. We are a member-based organization of more than 12,000 Coloradans working to advance policies that increase economic mobility for hardworking Coloradans and their families.

I am writing in support of Senate Bill 189, because it increases access to reproductive health care, which is essential primary and preventative care, sustaining the health, life, and economic security of hardworking Coloradans and families.

Our state's reproductive health care system must be improved to increase access to high quality health care. Many of the services, medication, and treatment related to abortion, sexually transmitted infections and family planning aren't fully covered by many insurance policies. Copays, high deductibles, and other costs of reproductive care make this crucial health care increasingly out of reach, which can have life-altering consequences.

Although we are fortunate to live in Colorado where access to abortion and other reproductive health care is legal, that does not mean that this essential health care is accessible to all who need it.

This bill will ensure patients aren't charged hundreds to thousands of dollars to receive the health care they need to live a healthy life. It closes gaps in coverage, reduces surprise bills and added costs. On top of the bill's proposed changes to address cost barriers, the bill protects Coloradans by creating a shared cash fund for patients, especially students and minors, who may require privacy and confidentiality when seeking and receiving care.

A 2022 survey found that nearly 1 in 2 Coloradans put off a recommended medical procedure or treatment. In addition, we know insurance companies often require patients to fail certain services and medications needed to treat STIs first before they can access the ones recommended by their doctor. Delay in care due to costs or administrative burden can worsen health outcomes.

For all of the reasons I've stated, Centennial State Prosperity urges you to vote YES on SB23-189 and ensure access to the life-saving care that is reproductive health care.

SB23-189 testimony
3/15/2023

Good afternoon, Madame chair and members of the committee, my name is Ticie Rhodes, and I live in Fort Collins. I am here today in strong **support** of SB 189.

I bring years of experience as a counselor in both contraceptive and abortion **care**. During those years I witnessed countless pregnant women either struggle to raise the necessary funds to pay for their abortion, or delay their appointment in order to find funding or transportation, however they could. Sometimes these delays resulted in the **women not being able to access abortion care at all, and they were forced** to carry their pregnancies in far less than optimal circumstances. I want to emphasize that just because abortion is *legal* does not make it *accessible*, and the results can be dire.

SB-189 addresses some of these problems head-on. Both by including **coverage requirements for abortion**, and expanding Medicaid's non-emergent medical transportation to include abortion care, would begin to address problems inherent in providing real access to this valuable service.

Additionally, I have seen young women, denied support for contraception by their parents, later seek our abortion services. And so ensuring that young people can **access affordable contraception even if they cannot use their family's health insurance coverage** would be a huge step toward more efficient and just reproductive health care. While many of us would wish each young woman had relationships with her parents in order to deal with her emerging sexuality in a healthy and open way, many teens do not have such parental support.

Thank you for your time. Please support SB189.

SB23-189 Increasing Access to Reproductive Health Care Services

Sponsors: Sens. Dominick Moreno and Lisa Cutter, and Reps. Dafna Michaelson Jenet, and Lorena Garcia.

If enacted, SB 189 would attempt to circumvent Colorado's prohibition against public funding of abortion in section 50 of article V of the Colorado Constitution by:

Requiring large employer insurance plans to provide coverage for the total cost of an abortion and requiring individual/small group plans to provide abortion coverage if the federal Dept. of Health and Human Services approves it. And a religious exemption is not guaranteed.

Expanding the state-run "reproductive health-care program" **to allow minors under the age of 19 years** to apply for and enroll themselves in the state-funded "family planning services" and "family planning related services" program, which includes access to contraception and abortion referrals without parental consent. Instead Educate on the consequences of having sex that leads to unplanned pregnancies. This bill removes the requirement that parents of minors be notified if their minor receives an abortion. Minors are incapable of making life or death decisions.

Millions of babies that will never see the light of day. Mothers and Fathers who will be denied parenthood over the lies of "it's not a baby", and told they are incapable of being parents. There is no greater Love than that between a parent and a child.

Instead, we could help these desperate parents. We could counsel them, see to their needs, help them to feel confident in taking care of their children. If they feel they are not ready to be parents, introduce them to adoption; it is the humane way. There are many parents ready to adopt.

This bill goes against science more importantly against God. The good people of Colorado deserve better. I strongly urge you to please vote "NO" on SB23-189.

Sincerely,

Adella Engel

Senate Health & Human Services
 03/15/2023 Upon Adjournment
 SB23-189 Increasing Access To Reproductive Health Care
 Typed Text of Testimony Submitted

Name, Position, Representing	Typed Text of Testimony
KRISTEN BARA Against herself	<p>I oppose SB23-189. This bill is another attack on parental rights. A person's frontal cortex, the part of the brain involved in decision-making, is not fully developed until 23 years. A minor is not capable of making health decisions and parents must be involved in this decision-making process. Children do not understand the long term and adverse effects pharmaceutical drugs can have on their development. They also are unaware of their family medical history and possible complications that can arise from these medical interventions. We know this bill has nothing to do with protecting the health of our children and everything to do with removing parental involvement in these medical decisions. Parents are the only ones who have the best interest of their children in mind, not healthcare providers or the government. You have sold out your constituents to the pharmaceutical lobbyists. I hope you take a real hard look at these decisions you are making and the irreversible harm it will cause our children.</p>
Michael Newman Against herself	<p>Thank you for your service to our state.</p> <p>I would like to voice (in written form...HA!) my opposition to this bill. There is a longstanding prohibition, one that is in our constitution, against public funding of abortion. This is based on the very reasonable recognition that a sizable portion of the state is vehemently opposed to the practice. Please do not force the financial burden of this controversial practice upon those same people who are fighting to eliminate it.</p> <p>Thank you for your time.</p>
Mary Meyers Against herself	<p>This bill, SB 189 is an attempt to circumvent existing laws which prohibit funding of abortion. It attempts to force private companies to provide coverage for abortion services. This has been through the court system before and each time it has failed, even at the Supreme Court level. This legislation is not only unconstitutional, it is a waste of taxpayers money and time. It will make its way though the court system and ultimately be defeated, if passed by the Colorado General Assembly and signed into law by Governor Polis. It also usurps parental authority in decision-making for minor children, another legislative attempt that if enacted into law, will be fought hard by parents who also are mobilized to protect children against dangerous gender changing surgeries. Finally, it is instructive that the sponsors have included a section which provides for the courts to determine whether or not a religious exemption will be permitted in the case of company insurance coverage; given the current state of the Colorado judiciary, this would hardly be a fair hearing.</p> <p>Thank you, Mary Meyers</p>
Jennifer Hehn	Dear Senators,

<p>Against themselves</p>	<p>Please OPPOSE SB 23-189 Increasing Access to Reproductive Care Services. This bill attempts to undermine the Colorado Constitution's prohibition to publicly fund abortion. It will place an ever-greater burden on large and small companies in forcing them to provide FULL coverage for abortions. This will significantly impact companies in Colorado to offer their employees insurance packages that are cost effective. Additionally, this bill eliminates parental authority as it will allow minors younger than 19 years old to receive reproductive care without parental consent.</p> <p>Thank you</p>
<p>Thomas UEBBING Against themselves</p>	<p>This bill attempts an end run around the state's constitutional prohibition against public funding of abortion by forcing employers to cover abortion in their insurance plans BY STATE MANDATE. The bill also allows minors to access state funding for contraceptives (their failure or misuse fuels the lucrative abortion industry and does not prevent STD's or emotional devastation) and to get a referral for an abortion, both without parental consent, an outrageous violation of parental rights based on the arrogant and usurpative assumption that the state knows better than parents what is good for their children.</p> <p>So-called "reproductive rights" means "I have a right to engage in baby-making activity and not have a baby" and "I have a right to engage in baby-making activity and not have a birth," both of which defy logic and common sense responsibility. Medical fact: Abortion kills a human being, that's the whole point of it.</p> <p>This fanatical obsession with death as a solution to personal predicaments has to end.</p>
<p>Anaya Robinson For ACLU of Colorado</p>	<p>Thank you, Madame Chair and committee members.</p> <p>I am Anaya Robinson, the Senior Policy Strategist with the ACLU of Colorado, writing in support of Senate Bill 189, to increase access to necessary reproductive health care.</p> <p>Healthcare remains outside of the financial access to too many in Colorado. This inaccessibility is only exacerbated when it comes to reproductive health care because of stigma, lack of confidentiality from parents from those under 26 and from partners of all ages. When we deny access to necessary and life saving services, such as treatment for sexually transmitted diseases, sterilization, and abortion care, we are leaving those most vulnerable from realizing the protection of the Reproductive Health Equity Act.</p> <p>Legal access is not the only protection necessary to be able to obtain life saving care. We need to make sure that all barriers to reproductive healthcare are removed to keep Coloradans alive, healthy, and stable, and to ensure that we are doing everything we can as a state to mitigate</p>

	<p>public health crises. STI rates have steady increased in recent years, and closing gaps in patient coverage to STI testing is responsible and necessary to reverse that trend.</p> <p>The ability to access reproductive care is essential to allowing Coloradans to control their own lives and futures. For many, having access to affordable reproductive care opens the door to fulfilling educational and career goals, better parenting, staying true to gender identities, and other critical parts of life that everyone should have the ability to choose for themselves.</p> <p>Reproductive care is essential health care. It is necessary. It is life saving. And we need to do everything we can as a state to hold to our commitment to legal access by removing the barriers that still exist.</p> <p>The ACLU of Colorado asks you to vote Yes on Senate Bill 189. Thank you.</p>
<p>Ethan Kopec Against themselves</p>	<p>Dear Members of the Committee,</p> <p>I am writing to express strong opposition to the proposed bill SB23-189, Increasing Access to Reproductive Health Care Services.</p> <p>This proposed bill would circumvent Colorado’s constitutional prohibition against public funding of abortion. The use of taxpayer funds to pay for abortion is a deeply divisive issue that has been debated extensively in our state. This proposed bill ignores the will of the voters who have repeatedly rejected efforts to use public funds to pay for abortion. Furthermore, providing taxpayer-funded abortions would violate the conscience rights of many Coloradans who oppose abortion on moral and religious grounds.</p> <p>Additionally, this proposed bill would increase access to contraception and abortion referrals to minors under 19 years of age without parental consent. Allowing minors to make decisions about their reproductive health without parental involvement undermines the fundamental role of parents in the upbringing of their children. Parents have a right to be involved in their children’s healthcare decisions, especially when it comes to issues as sensitive as reproductive health.</p> <p>It is important to note that there are many alternatives available to women who need access to reproductive healthcare services. There are numerous private organizations that provide affordable healthcare services, including contraception and prenatal care, without violating the constitutional prohibition against public funding of abortion.</p> <p>In conclusion, I urge you to reject the proposed bill SB23-189, Increasing Access to Reproductive Health Care Services. The use of public funds to pay for abortions and the circumvention of parental involvement in the</p>

	<p>reproductive health decisions of minors are deeply concerning and violate the values of many Coloradans.</p> <p>Thank you for the opportunity to speak on this important issue.</p>
KRISTEN BARA Against themselves	<p>I oppose SB23-189. Forcing health insurance companies to cover abortions without policy deductibles, coinsurance, and copayments will only increase the cost of healthcare premiums for both employers and individuals. Anything that ends of being subsidized by the government because it is fiscally infeasible comes out of our pockets as tax-payers. What about the tax-payers religiously held beliefs? Like all other medical interventions, if someone wants an abortion they should be responsible for the cost of that procedure. If all an abortion is a medical procedure no different than removing a corn from your foot or getting a tooth pulled it should not be put in any special category.</p>
Michael Dennis For themselves	<p>Honorable Senators, I am Mike Dennis. I wished to comment on S.B. 23-189 Increasing Access to Reproductive Health Care Services.</p> <p>My issue is with this legislation and all the proposed law known as "Reproductive Health Equity Act 2.0</p> <p>Encouraging the death of unborn life, providing wider access to abortion, and forcing residents to pay for abortion is wrong. Abortion should be available for life and death situations and matters of sexual assault or incest.</p> <p>Teaching tolerance for all people comes from respecting life itself. To say that abortion disproportionately effects diverse populations is to say it affects all populations. If we can't encourage a healthy discussion between parents and their children, instead of hiding the fact they are seeking contraception, we have failed miserably.</p> <p>True equality for women comes in considering all they encompass. Women can grow to be anything in this world. We must embrace robust education about sexuality and how it can affect their lives. Telling a woman that the culture believes they are weak if they don't prescribe to abortion defies true equality. Death for living or unborn people has never made things better for anyone.</p> <p>Oppose the passage of S.B.23-189. Tell women and all people they are truly valued for being alive. Thanks for the chance to speak! God Bless!</p>
Diana Bara Against themselves	<p>I oppose SB23-189 because it is an expansion of HB22-1279 Reproductive Health Equity Act. It adds access to abortions by requiring health care providers to cover costs. It promotes minor involvement without parental consent. It will destroy the sanctity of a family. I was opposed to HB22-1279, now the law, because it allowed abortions up to birth and defined a human fetus as not human, only tissue, and had no rights to</p>

	<p>life. Abortion is not reproductive health care nor is it family planning. Family planning is “intended to determine the number and spacing of one's children through effective methods of birth control.” Abortion is not birth control it is the prevention of life. Employers and small group plans should not be required to provide coverage for reproductive health care and treatments, abortion, sterilization and sexually transmitted infections. The citizens of Colorado should not be required to subsidize abortions through their health insurance premiums and taxes. In addition, this bill has a provision that is harmful to minor children. With a minor’s consent and without parental consent or knowledge this bill allows a health-care provider to furnish contraceptive procedures, supplies, or information to the minor, including abortions. This bill will allow a child under the age of 19, without parental knowledge, to enroll themselves in reproductive health-care program administered by the department of health. This bill has a “Safety Clause” that eliminates the ability for citizens to “Referendum” against it becoming law. This is legislation that is not for the benefit of the populace. It is for the benefit of the progressive socialist agenda.</p>
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Written testimony from Dr. Gene Ira Katz,

Re: HB23-103 Mental Health Professionals Reporting Exemption

Residence: 1133 Portland Pl. Boulder, CO 80304, **Mail:** PO Box 17756 Boulder, CO 80308

Tel. 720-339-8174 email: geneirakatz@yahoo.com

I'm Dr. Gene Ira Katz, Director of Positive Pathways Institute, Founding Member of the Colorado Mental Health Professionals Assn, and an Associate Professor at Colorado Technical University. I've been a Psychotherapist in private practice for almost 15 years, and I'm a member of the Academy of Criminal Justice Sciences and the American Board of Sexology. I'm writing in support of CO House Bill 23-1031.

Effective Psychotherapy requires a trusting relationship between the client and the counselor, and, while there are several reasonable mandated exceptions to confidentiality, requiring that we report a client's positive HIV/AIDS status is not one of them.

While HIV/AIDS is certainly a serious condition with life-threatening potential, the situation today in 2023, is a far cry from the initial AIDS outbreak some 3 decades ago when very little was understood about this disease, and there was no way to treat it. In addition, public awareness was further complicated by its association as a 'gay disease,' and a kind of distorted stigma was attached to it, as though HIV/AIDS was some kind of punishment for aberrant behavior. Sadly, that stigma has persisted.

My research reveals that the incidence of AIDS declined by almost 75% in the US since 1984 and a further 9% since 2015. In Colorado, as of 2020, there were about 13,000 people living with HIV in Colorado, or .2% of the population, with 324 people newly diagnosed during

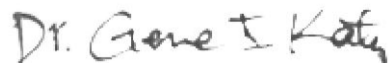
that year, or .006%, according to the Rollins School of Public Health. While HIV/AIDS is still a serious issue for those who contract the disease, this is no longer a runaway public health concern.

Today, in 2023, when detected early enough, HIV is an easily treatable, long-term medical condition. A person living with HIV today can expect to lead a long and healthy life if they consistently take their medication.

HIV/AIDS is not even listed as one of the Top 10 deadly infectious diseases in the state of Colorado, a list which includes lower respiratory infections, influenza, and pneumonia...yet none of these dangerous conditions, or others that far outrank HIV, are required to be reported by Colorado's mental health professionals.

I do not believe that anyone could make a reasonable argument against mandating reporting for a client who is planning to commit murder or seriously injure another, or those who admit to abusing children or elderly persons, or someone planning a terrorist attack – but the time has long past to do away with any mandated requirements to report a counseling client's HIV/AIDS positive status.

Thank you for your attention,

A handwritten signature in black ink that reads "Dr. Gene I. Katz". The signature is written in a cursive, slightly slanted style.

Dr. Gene Ira Katz, DMCJ, DABS, DDiv

Dear Committee Members,

As a Colorado mother I would like to propose these amendments to Senate Bill 23-189:

- That there be added to **Section 2** a philosophical exemption for providing abortion care in an employer's healthcare plan. Not all of us are religious, but still object philosophically to abortion.
- That **Section 3** regarding sterilization be omitted on the grounds that the need for sterilization is being treated as more important than it is. For example, healthcare does not cover serious ailments, like Appendicitis or Gangrene.
- That **Section 6** be omitted on the grounds that Parents, Guardian, and people with custody are responsible for raising minors and therefore helping them make decisions. The bill sponsors would never advocate for these same minors to be able to purchase fire arms because we know that minors do not have the maturity required to make these decisions. To let them make decisions regarding contraceptive drugs, sterilization procedures that they may never be able to reverse, or abortion procedures that can cause permanent damage to their bodies in some cases, all without guidance of their Parent, Guardian, or person with custody who knows them well, is a mistake.
- That **Sections 7 and 8** specify what services it will include. Include Natural Family Planning methods. These methods help keep a woman's body in a natural state without forcing her hormones into an unnatural imbalance.
- That **Section 9** be omitted on the grounds that the 'safety net' of a minor knowing that family planning services will be paid for is not a safety net after all, as it does not discourage that minor from engaging in sexual activity that could lead to STDs or other health complications, such as Ectopic pregnancy, which is something no minor should experience.

Thank you.