EMPIRE STATE PRIDE AGENDA

August 17, 2012

Ms. Danielle Holahan
New York State Health Benefit Exchange
New York State Department of Health

[Submitted electronically to exchange@health.state.ny.us]

RE: Benchmark Options for Essential Health Benefits

Dear Ms. Holahan:

The Empire State Pride Agenda submits these comments on New York's selection of an Essential Health Benefits (EHB) benchmark plan for use in the individual and small group insurance markets. The Empire State Pride Agenda is New York's statewide lesbian, gay, bisexual and transgender (LGBT) civil rights and advocacy organization. Our mission is to win equality and justice for LGBT New Yorkers and our families. We thank you for the opportunity to provide our comments on this fundamental step in implementing the Affordable Care Act in New York State.

The EHB decision is critically important for LGBT New Yorkers. The package that New York decides upon must meet the needs of all diverse segments of the state's population, including LGBT New Yorkers and our families. LGBT New Yorkers face a wide range of health disparities and also experience considerable challenges to gaining access to appropriate health care that is also culturally competent to meet their unique needs. In order for the Affordable Care Act to live up to its promise in New York State, the EHB must be fully inclusive and incorporate the needs of LGBT New Yorkers.

We strongly urge adoption of the New York State Employee Plans' Empire Plan as the best benchmark option for EHB in New York. The Empire Plan is the most comprehensive of the ten benchmark plan options. For example, it is the only benchmark option that covers almost all of New York's individual and small group benefit mandates. It has more generous service limits on many services that are restricted by the other benchmark options, including mental health, orthotics, chemical dependence, skilled nursing facilities, home health care, physical therapy, rehabilitation therapy, occupational therapy, and speech therapy. It covers adult dental care and women's health services like medically necessary and elective abortions, infertility services, and contraception. Finally, it does not exclude transgender-specific services. It is critically important that the EHB in New York is consistent with the non-discrimination principles of the Affordable

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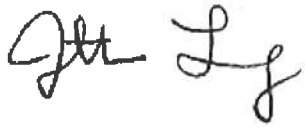
Care Act and does not explicitly bar anyone from receiving quality health care due to their sexual orientation or gender identity.

New York should not reject the Empire plan as the EHB benchmark merely because of the slightly higher predicted effect on premium cost. While affordability of coverage is important to our members, we expect that the Exchange will bring down premium costs. And our members need the security that a comprehensive benefit package provides.

Thank you for considering our comments.

Sincerely,



Jonathan Lang
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Empire State Pride Agenda