

Feds join ranks of employers with generous fertility benefits

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Companies have increasingly offered generous fertility benefits to attract and keep top-notch workers. Now, the federal government is getting in on the act. Starting this year, federal employees can choose plans that cover several fertility services, including up to \$25,000 annually for in vitro fertilization procedures and up to three artificial insemination cycles each year.

With about 2.1 million civilian employees, the federal government is the nation's largest employer. Now, just as businesses of every stripe prioritize fertility benefits, in vitro fertilization—a procedure in use for more than 40 years—has become a tricky topic for some anti-abortion Republican members of Congress and even presidential candidates.

It was inevitable that disagreements over IVF among [abortion opponents](#) would eventually break into the open, said Mary Ziegler, a legal historian and expert on reproductive health.

"The anti-abortion movement from the 1960s onward has been a fetal personhood movement," said Ziegler, a law professor at the University of California-Davis. Since the U.S. Supreme Court's Dobbs decision eliminated the [constitutional right](#) to abortion, anti-abortion groups and the Republican Party are grappling with what "fetal personhood" means and how that fits into their position on IVF and other technologies that help people have babies.

The Alabama Supreme Court set the stage for the recent brouhaha with a ruling last month that frozen embryos created through IVF are children under state law. A pair of Democratic senators advanced legislation that would override state laws by establishing a statutory right to access IVF and other such technologies. The bill was blocked on the Senate floor by a Republican opponent.

These events highlight the tough spot in which Republicans find themselves. Many support IVF, and they are keenly aware that it's extremely popular: 86% of adults in a recent CBS News-YouGov poll said IVF should be legal. The outcry over the Alabama ruling and Republicans' inability to coalesce around a federal response, however, has exposed fault lines in the party.

Some anti-abortion groups have strenuously objected to measures like

that Senate bill, arguing that lawmakers must balance IVF with the responsibility to respect life.

Republicans "are trying to finesse it, which is very hard," Ziegler said.

About 10% of women and men face fertility problems, according to the National Institute of Child Health and Human Development. IVF, a process in which an egg is fertilized in a laboratory and later implanted in the uterus, is among the most expensive fertility treatments, costing about \$20,000 for one round. Even with [insurance coverage](#), the procedure is pricey, but for some people it's the only way to conceive.

In recent years, the number of companies offering fertility benefits to employees has grown steadily. In the early 2000s, fewer than a quarter of employers with at least 500 workers covered IVF, according to benefits consultant Mercer's annual employer survey. In 2023, that figure had roughly doubled, to 45%. Employers typically cap IVF benefits. In 2023, employers had a median lifetime maximum benefit of \$20,000 for IVF, according to the Mercer survey.

The federal government's IVF benefit—paying up to \$25,000 a year—is more generous than that of a typical employer. Coverage is available through the popular Blue Cross and Blue Shield Federal Employee Program's standard option. Altogether, two dozen 2024 health plans for federal workers offer enhanced IVF coverage, with varying benefits and cost sharing, according to the federal Office of Personnel Management, which manages the federal [health plans](#).

"OPM's mission is to attract and retain the workforce of the future," said Viet Tran, OPM's press secretary, in written answers to questions. He noted that surveys have found that federal health benefits have influenced employees' decisions to stay with the federal government.

Starting this year, plans offered to [federal employees](#) are required to offer fertility benefits, according to OPM.

But it's unclear how the emerging political debate surrounding IVF and other reproductive health issues could affect national benefit and coverage trends.

Last month, after the Alabama Supreme Court ruled that frozen embryos left over following IVF procedures are considered children under [state law](#), the [state legislature](#) quickly passed and Republican Gov. Kay Ivey signed a bill that grants immunity to patients and providers who participate in IVF services. During the ensuing dust-up, a coalition of more than a dozen anti-abortion groups signed a letter drawing a clear line in the sand.

"Both science and logic have made it clear that embryos must be accorded the same human rights" as other human beings, it read. The Alabama law didn't address the underlying issue of the "personhood" of the embryos, leaving open the door for further litigation and potential restrictions on IVF in Alabama and other states, some legal analysts say.

More than a third of states have laws on the books that classify fetuses as people at some stage of pregnancy, according to an analysis by Politico.

It's unclear whether the turmoil surrounding the Alabama case will have long-term repercussions for employee benefits there or in other states.

"If this were something that were to happen in multiple states, employers would have to figure out how to navigate around that," said Jim Winkler, chief strategy officer of the Business Group on Health, a nonprofit that represents the interests of large employers. At this point, employers will want to keep a watchful eye on the issue but probably not plan any changes, Winkler said.

A Mercer blog post advised businesses with Alabama employees to review health plan policies related to medical travel and leave benefits. Further, "employers should monitor other states that broadly define fetal personhood and restrict [reproductive health](#) care," the blog post advised.

The situation is reminiscent of what happened with abortion coverage following the Supreme Court's Dobbs decision in 2022. As states imposed restrictions on access to abortions, many companies began providing travel expenses for their workers to seek them.

But what happened with abortion may not be a good predictor of what will happen with IVF, said Dorianne Mason, director of health equity at the National Women's Law Center.

Following the Alabama judge's ruling, "the legislature in Alabama moved so quickly to respond to the outcry," Mason said. "When we look at the legislative response to IVF, it's moving in a markedly different direction on access to care" than has occurred with other types of reproductive care.

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