



Preventive Services for Women

On August 3, 2011, newly amended interim final regulations expand the preventive services that must be covered with no cost sharing to include eight categories of preventive services for women.

The regulations apply to non-grandfathered plans. Affected plans must be in compliance by the first plan year beginning after August 1, 2012 (January 1, 2013 for calendar year plans).

The regulation writers undergo a tortured analysis to reach this result, which we do not attempt to summarize.

The following services must be provided without cost sharing. However, plans are permitted to apply cost sharing to out of network preventive care and use other reasonable medical management techniques.

- Well woman visits. This will include not only annual well-woman preventive care office visits but additional visits if determined necessary by the patient's providers.
- Screening for gestational diabetes. Those women at high risk of developing gestational diabetes may be screened between 24-28 weeks pregnant.
- Human papillomavirus (HPV) testing. Women may receive high-risk HPV screening every three years regardless of pap smear results.
- Contraceptive methods and counseling. This applies only to prescribed, FDA-approved contraception.
- Breast feedings support, supplies and counseling. Counseling may be provided during pregnancy and/or in the postpartum period.
- Annual screening and counseling for:
 - Sexually transmitted infections,
 - Human immune-deficiency virus (HIV), and
 - Interpersonal and domestic violence.

The addition of contraception to that list of services attracted quite a bit of criticism. In response, an exception was included for plans provided by religious employers allowing them the choice of whether to cover contraception. The exception is modeled on accommodations made available for churches in

the 28 states that already require coverage. The religious employers included in this exception must meet the following criteria:

- Have the inculcation of religious values as its purpose;
- Primarily employ persons who share its religious tenets;
- Primarily serve persons who share its religious tenets; and
- Be a nonprofit organization, as determined in the Tax Code.

The amended regulations may not stem the controversy, but do solidify the obligation to provide these preventive services.

Dated: August 25, 2011

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