



Feds Urge Compliance with ACA's Contraceptive Coverage Requirements

The Department of Health and Human Services, the Department of Labor, and the Treasury Department (the Departments) have issued a letter to all group health plans and health insurance issuers reminding them of their obligations under the Affordable Care Act (ACA) to provide coverage for contraceptive services at no cost.

The ACA guarantees coverage of women's preventive services, including free birth control and contraceptive counseling, for individuals and covered dependents. Despite the ACA's contraceptive coverage requirements being over ten years old, recent reports have shown that some group health plans and health insurance issuers may not be complying with these requirements. The letter is another step for the Departments to put health plans and insurance issuers on notice and demand prompt action to ensure that individuals can rightfully access the birth control they need.

“We are calling on health plans and insurance issuers to remove impermissible barriers and ensure that individuals have access to the contraceptive coverage they need, as required under the law,” the Departments said. “It is more important than ever to ensure access to contraceptive coverage with no out-of-pocket costs under the Affordable Care Act.”

Health plans and insurance issuers are required to cover, at no cost, at least one form of contraception within each of the contraceptive categories identified by the U.S. Food and Drug Administration (FDA). This includes instances when an FDA-approved, -cleared, or -granted contraceptive product that is recommended by the individual’s medical provider does not fall within one of the identified categories. Specifically, health plans and insurance issuers are required to have an easily accessible, transparent, and sufficiently expedient exceptions process in place that ensures individuals can receive coverage without cost sharing for the FDA-approved, -cleared, or -granted contraceptive product that is medically appropriate for them. This coverage must also include the patient education and counseling needed for the provision of the selected contraceptive product.

In response to the number of complaints received from the general public about noncompliance with the ACA’s contraceptive coverage requirements, the Departments are asking all health plans and insurance issuers to immediately take steps to ensure that they are complying. Health plans and insurance issuers that continue to fail to comply may face enforcement action, the Departments said.

[Full text of Letter \(HHS, DOL, Treasury, June 27, 2022\)](#)

This article is for informational purposes only and does not constitute legal advice. For additional assistance, please contact us at info@diceros.law.