

Payment Policy | Contraceptive Drugs and Devices Mandate



EFFECTIVE DATE: 04|01|2019
POLICY LAST UPDATED: 02|16|2022

OVERVIEW

This policy documents the state mandated coverage guidelines for FDA-Approved Prescription Contraceptive Drugs and Devices (Rhode Island General Law 27-20-43).

This policy is applicable only to those plans that do not include Preventive Services.

MEDICAL CRITERIA

Not applicable

PRIOR AUTHORIZATION

Prior authorization review is not required.

POLICY STATEMENT

Commercial Products and Medicare Advantage Plans

FDA-approved contraceptive drugs and devices that require a prescription are a covered benefit.

Medicare Advantage Plans

Rhode Island mandated benefits generally do not apply to Medicare Advantage Plans. In this policy, coverage is included for Medicare Advantage Plans. While traditional Medicare does not cover contraceptives, in many instances BCBSRI policies offer more benefits than does Medicare. Oral contraceptives are covered under Medicare Part “D” benefits.

Emergency Contraception

Emergency contraception (EC), also known as back-up birth control and the morning after pill, is available at pharmacies (e.g., brand names Plan B and Next Choice).

- EC is covered for individuals 17 years of age and under and requires a prescription and will be covered under the member’s pharmacy benefit.
- EC is not covered for individuals 17 years of age and older as it is an over-the-counter (OTC) product.

Over-the-counter Contraceptive Supplies

All BCBSRI products deny coverage for foam, condoms, spermicidal cream/jelly, and sponges as they are over-the-counter purchases.

Note: Coverage of the drug known as RU486, also known as Mifeprex (generic name: mifepristone), is not required under the mandate. For information regarding coverage of RU486 for all lines of business, please refer to the Termination of Pregnancy policy.

COVERAGE

Benefits may vary between groups/contracts. Please refer to the appropriate Benefit Booklet, Evidence of Coverage, or Subscriber Agreement for applicable contraceptive drugs and devices coverage/benefits.

Although Rhode Island mandated benefits generally do not apply to Medicare Advantage Plans, FDA-approved contraceptive drugs and devices that require a prescription are covered for all BCBSRI members. Self-funded groups may or may not choose to follow state mandates.

BACKGROUND

This policy describes Rhode Island General Law 27-20-43, which requires that insurers provide coverage of FDA-Approved Prescription Contraceptive Drugs and Devices as stated below.

(a) Every individual or group health insurance contract, plan, or policy that provides prescription coverage and is delivered, issued for delivery, or renewed in this state shall provide coverage for F.D.A. approved contraceptive drugs and devices requiring a prescription. Provided that nothing in this subsection shall be deemed to mandate or require coverage for the prescription drug RU 486.

(b) Notwithstanding any other provision of this section, any medical service corporation may issue to a religious employer an individual or group health insurance contract, plan, or policy that excludes coverage for prescription contraceptive methods which are contrary to the religious employer's bona fide religious tenets.

(c) As used in this section, "religious employer" means an employer that is a "church or a qualified church-controlled organization" as defined in 26 U.S.C. § 3121.

(d) Every religious employer that invokes the exemption provided under this section shall provide written notice to prospective enrollees prior to enrollment with the plan, listing the contraceptive health care services the employer refuses to cover for religious reasons.

(e) Beginning on the first day of each plan year after April 1, 2019, every health-insurance issuer offering group or individual health-insurance coverage that covers prescription contraception shall not restrict reimbursement for dispensing a covered prescription contraceptive up to three hundred sixty five (365) days at a time.

FDA-Approved Prescription Contraceptive Drugs and Devices According to the Mandate:

The above mandate requires insurers to cover FDA-approved drugs and devices for contraception that require a prescription. This mandate pertains to the following types of contraceptive drugs and devices:

- Intrauterine device (IUD)
- Hormonal-releasing IUD
- Vaginal contraceptive ring
- Diaphragm, cervical cap/shield
- Hormonal implant systems
- Injectable contraceptives
- Oral contraceptives
- Contraceptive patch

On August 1, 2011, the Department of Health and Human Services (HHS) adopted additional Guidelines for Women's Preventive Services including:

- Well-woman visits,
- Support for breast-feeding equipment,
- Human papilloma virus screening,
- Contraception, and
- Domestic violence screening

All services listed above were covered without cost sharing in new health plans starting in August 2012. The guidelines were recommended by the independent Institute of Medicine (IOM) and based on scientific evidence. These changes were effective upon renewal on or after August 1, 2012.

The above Federal Law supersedes Rhode Island State Law as both laws specify coverage for contraception.

CODING

The following codes are **covered for Commercial Products and Medicare Advantage Plans:**

11976	Removal, implantable contraceptive capsules
11981	Insertion, non-biodegradable drug delivery implant
57170	Diaphragm or cervical cap fitting with instructions
58300	Insertion of intrauterine device (IUD)
58301	Removal of intrauterine device (IUD)
A4261	Cervical cap for contraceptive use
A4266	Diaphragm for contraceptive use
J1050	Injection, medroxyprogesterone acetate, 1 mg
J7296	Levonorgestrel-releasing intrauterine contraceptive system, (kyleena), 19.5 mg
J7297	Levonorgestrel-releasing intrauterine contraceptive system, 52mg, 3 year duration (Liletta)
J7298	Levonorgestrel-releasing intrauterine contraceptive system, 52mg, 5 year duration (Mirena)
J7300	Intrauterine copper contraceptive
J7301	Levonorgestrel-releasing intrauterine contraceptive system, 13.5 mg (Skyla)
J7306	Levonorgestrel (contraceptive) implant system, including implants and supplies
J7307	Etonogestral (contraceptive) implant system, including implants and supplies

Rather than filing codes **S4981** and **S4989**, providers should file with the appropriate CPT or HCPCS J-code.

The following code is not separately reimbursed for all BCBSRI products:

A4264	Permanent implantable contraceptive intratubal occlusion device and delivery system
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The following codes are covered under the Pharmacy Benefit for Commercial Products and Medicare Advantage Plans:

S4993	Contraceptive pills for birth control (use alternate code)
J7303	Contraceptive supply, hormone containing vaginal ring, each
J7304	Contraceptive supply, hormone containing patch, each

RELATED POLICIES

Termination of Pregnancy
Preventive Services Medicare Advantage Plans
Preventive Services for Commercial Members

PUBLISHED

Provider Update, March 2022
Provider Update, June 2020
Provider Update, June 2019
Provider Update, March 2018
Provider Update, March 2017
Provider Update, March 2016

REFERENCES

Rhode Island General Law (RIGL) 27-20-43: F.D.A. approved prescription contraceptive drugs and devices.
<http://www.rilin.state.ri.us/Statutes/TITLE27/27-20/27-20-43.HTM>

FDA Office of Women's Health, Birth Control Guide
<http://www.fda.gov/downloads/ForConsumers/ByAudience/ForWomen/FreePublications/UCM282014.pdf>

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