

UPDATE: Contraceptive ACCESS

Congress's failure to bring the American Health Care Act (AHCA) to a vote and repeal the Affordable Care Act (ACA) was a victory for health care access and women's health. If passed into law, this proposal would have gut maternity care, forced new moms with Medicaid coverage back to work shortly after giving birth, blocked women from receiving preventive care at Planned Parenthood health centers across the country, and stripped millions of their health insurance. The failure of this initial effort, however, is only temporary victory for health care access. Undeterred by the setback, the White House continues to meet with Republican members of Congress to broker a deal to repeal the ACA, and if legislative efforts fail again, the Trump Administration will move to its next line of attack: executive branch actions to undo regulatory provisions of the ACA. One of the provisions most at risk in this line of attack: the guarantee of insurance coverage for birth control with no cost-sharing.

Here's why, regardless of the status of the ACA, the threat to the no-copay birth control benefit remains:

- The ACA broadly says that insurers must cover preventive care with no cost-sharing. The statute itself does not define what "preventive care" means. Rather, the Health Resources and Services Administration (HRSA) provided comprehensive health plan coverage guidelines defining evidence-informed preventive care and screenings.
- The HRSA, through a cooperative agreement convening a coalition of clinicians, academics, and consumer-focused health progression organizations, created the Women's Preventive Services Guidelines. This guideline requires insurers to cover the full range of female-controlled contraceptives with no-cost sharing.
- The Department of Health and Human Services (HHS) issued additional sub-regulatory guidelines that clarified that the contraceptive coverage must include no-cost sharing for at least 1 form of contraception in each of the 18 method categories identified by the FDA.
- Because the no-copay birth control benefit is not laid out in federal statute, but instead in this administrative guidance, the Trump Administration may declassify contraceptives as "preventive care", thus no longer requiring coverage without cost-sharing for contraceptives under the ACA.

Not only is the Administration capable of such action, we know its members and allies support the elimination of this benefit. Earlier this year, House Budget Committee Chairwoman Diane Black said no-copay birth control coverage "is not part of our program". HHS Secretary Tom Price is on record opposing the no-copay birth control benefit – he apparently believes "there's not a one" woman who cannot afford to pay out-of-pocket for birth control.

As a cosponsor of *An Act relative to advancing contraception coverage and economic security in our state, or ACCESS*, (S 499, H 536) you know the critical role affordable birth control in women's lives and importance of protecting the promises of the ACA. When a stroke of a pen can eliminate this critical benefit, we must establish our own protections and ensure every Massachusetts woman has access to the full range of contraception options, without cost-sharing, no matter what happens on the national level.

If you have any questions about this legislation, please contact our Director of Public Affairs, Michael Falcone at 617-629-8613 or mfalcone@pplm.org