

## ***HB 5210 An Act Mandating Insurance Coverage of Essential Health Benefits and Expanding Mandated Health Benefits for Women, Children and Adolescents***

**The Problem:** The Affordable Care Act, which ensures access to no-copay birth control and other preventive health services for women, continues to be under attack. On October 6th, the Trump administration issued an Interim Final Rule that allows employers to deny birth control coverage to their employees based on a religious objection or an undefined “moral objection.” This leaves countless people at risk of losing essential contraceptive coverage. In the past year, Congress tried to repeal the ACA three times and failed yet was successful in repealing the individual mandate. It is expected we will see continued threats of Congressional action or Administrative rollbacks to the Affordable Care Act (ACA) through regulatory changes<sup>i</sup>, in coming months. Women should have this right to health care regardless of action in D.C.

**The Solution:** Protect the preventive health benefits of the Affordable Care Act by passing a state law to ensure the protection of preventive health care services including contraception, with no cost sharing or co-pays, and expand coverage for contraception to include 12-month prescription coverage and emergency contraception with no co-pay.

### **The Importance of State Action to Protect the Ten Essential Health Benefits**

Under the Affordable Care Act (ACA), all health insurance plans covered in the Marketplace are required to cover a set of 10 categories of essential health benefits (EHBs): ambulatory patient services, emergency services, hospitalization, mental health services, prescription drugs, rehabilitation, laboratory services, preventative care, pediatric services, and maternity and newborn care.<sup>ii</sup> The ACA’s EHB requirement aims to make health insurance plans more comprehensive and more affordable for consumers. However, policy experts warn that the current administration may re-write the EHB rules to allow insurers to cover fewer treatments or services within the EHB categories. This could create significant financial risk for consumers in need of high cost services.<sup>iii</sup>

State policymakers play a major role in ensuring that their residents have access to essential health benefits. One way that states can respond to a potential relaxation of EHB standards under the Trump administration is to codify the current EHB categories into state statute or regulations.<sup>iv</sup>

During their 2017 legislative sessions, Hawaii passed and Rhode Island and Nevada introduced bills that would make the 10 EHB categories part of state law; New York is developing regulations with the same intent. Once the EHB categories are codified into state law, State Departments of Insurance have the authority to enforce such laws and may promulgate regulations or otherwise clarify the scope of each EHB category.

### **Protect the Women’s Preventive Services in the Affordable Care Act**

- **This will preserve women's access to contraception and other preventive health services with no out of pocket cost, in the state, which is essential to women's health and well-being.** This proactive policy measure will guarantee one of the key benefits for women’s health care in the ACA.
- **Other states have passed similar legislation** including Vermont, California, Illinois, Maryland, Oregon and Massachusetts.

- Under the Women’s Health Amendment of the ACA, most private insurance plans, including employer plans, must fully cover the costs of what are known as “women’s preventive services”. The Health Resources and Services Administration (HRSA), an arm of Department of Health and Human Services, defines which preventive services are covered. These regulatory requirements could be attacked, including reducing or eliminating coverage of *all FDA-approved contraceptives*.
- This bill will require coverage for a single dispensing of birth control intended to last for 12-months. Limiting supplies of birth control increases the likelihood of inconsistent use, missing a dose or even skipping a month, increasing the chances of unintended pregnancy. It is especially challenging for those living in rural areas with limited access to pharmacies.

### The ACA has improved healthcare access and quality in Connecticut.

- The CT uninsured rate in 2015 was at 6% --one of the lowest in the country.
- **More than 55 million women<sup>v</sup>, including 746,444 of Connecticut women, have gained access to no-copay birth control in the private insurance market**, and approximately 16.7 million women<sup>vi</sup> benefit from Medicaid coverage, which also covers birth control at no cost.
- Out-of-pocket costs for birth control can cost a woman up to \$600 per year. This is unaffordable for those who are struggling to make ends meet.

Our state has a strong commitment to protecting access to women’s health care, where all people have access to preventive care they need. We want to continue to keep Connecticut in line with evidence-based practices that have been adopted by other states to continue to improve access to birth control. These policies will build on the gains in reproductive health we have seen from the ACA and send a strong statement to women and families in our state that we want to continue to provide access to preventive health care which will keep long term health costs down and improve the health and wellbeing of our citizens.

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<sup>i</sup> Republicans Prep Regulatory War on Women’s Health-Care Benefits <https://rewire.news/article/2017/04/05/republicans-prep-regulatory-war-womens-health-care-benefits/>

<sup>ii</sup> <https://www.healthcare.gov/coverage/what-marketplace-plans-cover/>

<sup>iii</sup> <https://www.healthaffairs.org/doi/10.1377/hblog20170214.058765/full/>

<sup>iv</sup> [https://chir.georgetown.edu/sites/chir/files/state\\_options\\_ensuring\\_residents\\_receive\\_essential\\_health\\_benefits.pdf](https://chir.georgetown.edu/sites/chir/files/state_options_ensuring_residents_receive_essential_health_benefits.pdf)

<sup>v</sup> The Affordable Care Act Is Improving Access To Preventive Services For Millions of Americans <https://aspe.hhs.gov/pdf-report/affordable-care-act-improving-access-preventive-services-millions-americans>

<sup>vi</sup> Kaiser Family Foundation Women’s Health Insurance Coverage <http://files.kff.org/attachment/fact-sheet-womens-health-insurance-coverage>