

Contraceptive Coverage without Cost Sharing Under the Federal Health Care Law: What Students Should Know

The new health care law makes preventive care more accessible and affordable to millions of Americans by requiring all new plans to cover certain preventive health services and screenings without cost-sharing. The list of covered preventive services is extensive and includes services such as mammograms, pap-smears, and smoking cessation supports. The law also said that additional preventive services for women should be covered, and on August 1, 2011, the list was expanded to include birth control alongside other women's preventive services, such as an annual well-woman visit. Student health plans must comply with the preventive services requirement and provide these critical preventive health services for women, including contraceptive coverage, without cost-sharing.

What kind of contraception is covered?

The full range of FDA-approved contraceptive methods as prescribed, sterilization procedures, and patient education and counseling are required to be covered without cost sharing.

Are there any student plans that do not have to comply?

- Grandfathered health plans – those that existed before March 23, 2010 when the health care law was passed – do not have to comply with the preventive services requirement. But any coverage in which an individual student is newly enrolled after March 23, 2010 is non-grandfathered.
- Self-funded student health plans do not have to comply with the preventive services requirement. It is estimated that there are approximately 200,000 students covered through self-funded student health plan arrangements.

What about religiously-affiliated colleges and universities?

Religiously-affiliated colleges and universities are not exempt from the contraceptive coverage requirement. However, the Department of Health and Human Services (HHS) has proposed an accommodation that shifts the responsibility of providing contraceptive coverage from the *university* to the *insurance plan*, thereby allowing the university to avoid providing contraceptive coverage but ensuring that students (and employees) still receive access to this critical benefit.

How will the accommodation for religiously-affiliated universities work?

The details of how the accommodation for religiously-affiliated universities and other organizations will work are still being determined, and HHS is currently accepting comments on how best to structure it.

When do these new requirements take effect?

The official start date for new plans to cover the additional women's preventive services, including contraception, is August 1, 2012. Since most school health plans begin their plan years around the beginning of the school year, students should see the benefit of the August 1 start date. Students who attend religiously-affiliated universities that seek the proposed accommodation will not receive the contraceptive coverage benefit until August 1, 2013. Those students, however, will have access to the other preventive services without cost sharing during that one year period.

Contraceptive Coverage without Cost Sharing Under the Federal Health Care Law: Action Steps for Students at Religiously-Affiliated Universities

Religiously-affiliated colleges and universities can seek the accommodation proposed by HHS in order to avoid having to provide contraceptive coverage without cost sharing. Students (and employees) at these schools will still receive the coverage, but it will come directly from the insurance plan rather than from the university. However, religiously-affiliated colleges and universities that choose the accommodation get a one year grace period, which means students at those schools will not get the benefit until August 2013.

If you are a student at a religiously-affiliated university, here are some steps you can take to ensure that female students get access to contraception as quickly as possible:

- (1) Find out whether your school plans to ask for the accommodation. Contact your Dean's office or the office that handles legal or insurance matters. Ask them if they plan to request an accommodation to the Affordable Care Act's requirement for contraceptive coverage without cost-sharing.

In order to qualify for the accommodation, the college or university will have to self-certify that it meets a number of criteria, including that:

- It has not provided contraceptive coverage at any point from Feb. 10, 2012 onward.
 - It is not violating existing state law. For information about state laws that require insurance coverage of contraception, see <http://www.nwlc.org/resource/contraceptive-equity-laws-your-state-know-your-rights-use-your-rights-consumer-guide-0>.
 - It will provide notice to students explaining that they will not receive coverage during the one year period.
- (2) If your school plans to seek an accommodation, think about mounting a campaign to convince them otherwise. The campaign could include the following steps:
 - Make the case – directly to the administration, to other students, to local and school press – that contraceptive coverage is important for students to have *now*. Students should not have to wait a year and pay the out-of-pocket costs that can sometimes be prohibitively expensive.
 - Gather stories from students about their need for contraceptive coverage without cost sharing and the difficulties for them of paying out of pocket. Use the stories in your advocacy. The National Women's Law Center is collecting stories for advocacy at the federal level, so share them with us by emailing them to info@nwlc.org.
 - Contact other groups on your campus, including undergraduate groups, that might be interested in working with you on this.
 - Create a petition asking the university not to seek the accommodation. Gather signatures and present it to the administration.
 - (3) Consider staying on your parents' plan. The health care law allows adult children to stay on their parents' health plan to age 26. If your parent is enrolled in a non-grandfathered, non-religious health plan, you will be able to access no-cost contraceptive coverage at the earlier start date.