

STATE OF BREASTFEEDING COVERAGE: HEALTH PLAN VIOLATIONS OF THE AFFORDABLE CARE ACT

National
Women's Law
Center

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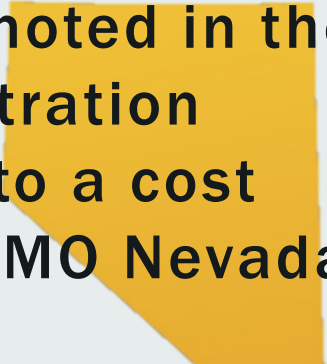


NWLC'S ANALYSIS

- More than 120 issuers across 15 states
- 2014 and 2015 plan years
- Examined maternity care, preventive services, other essential health benefits, abortion and discrimination
- Compared language in plan documents – “contracts of coverage” or “evidence of coverage” to ACA statute, regulations and guidance

EXAMPLES OF FINDINGS

“Women’s Preventive Care services, as noted in the Health Resources and Services Administration guidelines, are covered but are subject to a cost share.” Preventive services coverage, HMO Nevada (2014).



“Maternity expenses for Dependents unless there are life threatening complications.” Exclusions, Community Health Alliance of Tennessee (2014).




EXAMPLES OF FINDINGS

“One lactation consultant visit at home up to two months after the delivery.” Anthem Blue Cross Blue Shield, Connecticut (2015).

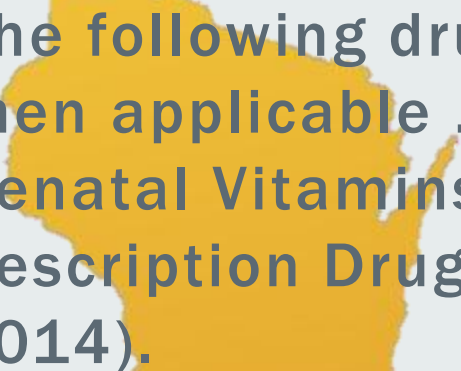
“Lactation counseling by a trained provider during pregnancy or in the post-partum period. Limited to one (1) visit per pregnancy. Manual breast pump, limited to one (1) per pregnancy.” Blue Cross Blue Shield of Tennessee (2014).

EXAMPLES OF FINDINGS

“Services or supplies for the treatment of intractable pain and/or chronic pain.” Exclusions, Colorado Choice (2014 & 2015).



“The following drugs are offered at \$0 cost-sharing when applicable ... Folic Acid (Women under 42), Prenatal Vitamins (Women under 42).” Outpatient Prescription Drugs, Physicians Plus, Wisconsin (2014).






TALLY OF FINDINGS

Number of Issuers with Violations of the ACA in Each State

2014 and 2015

State	Maternity	Breastfeeding Support and Supplies	Birth Control	Other Preventive Services	Abortion	Essential Health Benefits	Discrimination
Alabama 2015	1	1	1	1			
California 2014			1	1			
California 2015			1	1			
Colorado 2014	3	3		2	1	1	10
Colorado 2015	1	1	2	2		1	2
Connecticut 2014		2	2			1	3
Connecticut 2015		5	1			2	5
Florida 2015			1				4
Maine 2014			2	2			3
Maryland 2014			1				6
Minnesota 2014		1	2	1			
Nevada 2014	1		3	2			5
Nevada 2015	1		2				6
Ohio 2014	2	2	7				12
Ohio 2015		3	4				13
Rhode Island 2014			1	1			2
South Dakota 2014	1		1				1
Tennessee 2014	1	2		1			4
Washington 2014						2	9
Washington 2015							
Wisconsin 2014	3		2	1			12

SUCCESSFUL ADVOCACY

- Buckeye Community Health Plan, Ohio – Dependent Maternity Coverage 
- HMO Nevada/Anthem Blue Cross, Nevada – cost-sharing for women's preventive services 
- Washington State – waiting periods for transplant services 

RECOMMENDATIONS

- Issuers should know and comply with the law, and correct identified problems as they arise.
- State and federal regulators should provide stronger oversight and diligently review plan filings for compliance with the law.
- Proposed plans should be open for public comment prior to certification.
- Complete coverage documents should be publically available, beginning with open enrollment.
- Federal regulators should collect data on plan violations.
- Regulators should inform women of their rights, and of how to appeal when their plan fails to provide coverage required by the ACA.