# Sample Letter: Generics

[NAME]

[ADDRESS]

[DATE]

To Whom It May Concern:

I am enrolled in a [INSURANCE COMPANY NAME] plan, policy number [POLICY NUMBER]. My health care provider has prescribed the contraceptive [NAME OF CONTRACEPTIVE]. The Patient Protection and Affordable Care Act requires that my insurance provide coverage of this contraceptive with no cost sharing, however I have been asked to pay a [CO-PAY/DEDUCTIBLE/CO-INSURANCE] to obtain my contraception.

Under § 1001 of the Patient Protection and Affordable Care Act (ACA), which amends § 2713 of the Public Health Services Act, all non-grandfathered group health plans and health insurance issuers offering group or individual coverage shall provide coverage of and not impose cost sharing for certain preventive services for women. The list of women’s preventive services which must be covered in plan years starting after Aug. 1, 2012 includes “all Food and Drug Administration approved contraceptive methods, sterilization procedures, and patient education and counseling for all women with reproductive capacity.” (<http://www.hrsa.gov/womensguidelines/>) These methods are listed in the Food and Drug Administration’s “Birth Control Guide.” (Attached) My health insurance plan is non-grandfathered. Thus, the plan must comply with the women’s preventive services.

Specifically, the plan must provide coverage without cost sharing of [NAME OF CONTRACEPTIVE] which has been prescribed to me. On Feb. 20, 2013, the Departments of Labor and Health and Human Services and the Treasury released a set of “Frequently Asked Questions” which affirmed that under the ACA’s women’s preventives services, plans cannot limit their coverage of contraceptives to only oral contraceptives. In response to the question, “May a plan or issuer cover only oral contraceptives?” the FAQs unequivocally answer, “No.” The FAQs go on to state, “The HRSA Guidelines ensure women's access to the *full range* of FDA-approved contraceptive methods including, but not limited to, barrier methods, hormonal methods, and implanted devices, as well as patient education and counseling, *as prescribed by a health care provider*.” (emphasis added, see Question 14 in enclosed FAQ.) [INSURANCE COMPANY NAME]’s current policy of only providing coverage of [GENERIC ORAL CONTRACEPTIVES/ORAL CONTRACEPTIVES] is in violation of the clear statement in the FAQs that the full range of FDA-approved contraceptives must be covered. Additionally, the FAQs emphasize that plans must cover contraceptive methods as prescribed by a health care provider. My health care provider, [PROVIDER’S NAME], prescribed [NAME OF CONTRACEPTIVE] as my contraceptive method, and therefore it must be covered without cost sharing.

[ADD THIS PARAGRAPH IF YOUR METHOD HAS NO GENERIC EQUIVALENT]

Furthermore, the FAQs affirmed that the ACA’s women’s preventive services requirement requires plans to provide coverage of all brand-name forms of contraception that do not have a generic equivalent. The FAQ says, “If, however, a generic version is not available,…then a plan or issuer must provide coverage for the brand name drug in accordance with the requirements of the interim final regulations (that is, without cost-sharing, subject to reasonable medical management).” (see Question 14 in enclosed FAQ.) [NAME OF CONTRACEPTIVE] is a brand name drug without a generic equivalent, thus my plan must provide coverage of [NAME OF CONTRACEPTIVE] without cost sharing.

I have spent [TOTAL AMOUNT] out of pocket on [NAME OF CONTRACEPTIVE], despite the fact that it should have been covered without cost sharing. I have attached copies of receipts which document these out of pocket expenses. I expect that [COMPANY NAME] will rectify this situation by ensuring that [NAME OF CONTRACEPTIVE] is covered by my plan without cost sharing in the future, reimbursing me for the out of pocket costs I have incurred during the period it was not covered without cost sharing, and changing any corporate policies that do not comply with the Affordable Care Act.

Sincerely,

[YOUR SIGNATURE]

Encl:

FDA Birth Control Guide (available at <https://www.fda.gov/downloads/ForConsumers/ByAudience/ForWomen/FreePublications/UCM517406.pdf>)

Frequently Asked Questions about the Affordable Care Act (Part XII) (available at <https://www.dol.gov/sites/default/files/ebsa/about-ebsa/our-activities/resource-center/faqs/aca-part-xii.pdf>)

Copies of Receipts Documenting Out of Pocket Costs