

An Over-the-Counter Birth Control Pill Is Coming: Building the Legal & Policy Framework for Insurance Coverage and Accessibility

A Project of the National Women's Law Center

with support from Ibis Reproductive Health and the OC OTC Working Group



What we will cover today

- History of Free the Pill
- The Federal Landscape for Coverage of an OTC Pill
- State-Level Possibilities
- Laying the Groundwork for an OTC Pill

Speakers

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Acronyms (#sorrynotsorry)

- OTC = Over The Counter
- OC OTC or OTC OC = Over The Counter Oral Contraceptive
- POP = Progestin Only Pill
- COC = combined oral contraceptive
- LARC = Long-Acting Reversible Contraceptive (e.g., IUD or implant)
- EC = Emergency Contraception (e.g. Plan B, ella)
- RFRA = Religious Freedom Restoration Act

Free the Pill

It's time for an
over the counter
birth control pill.

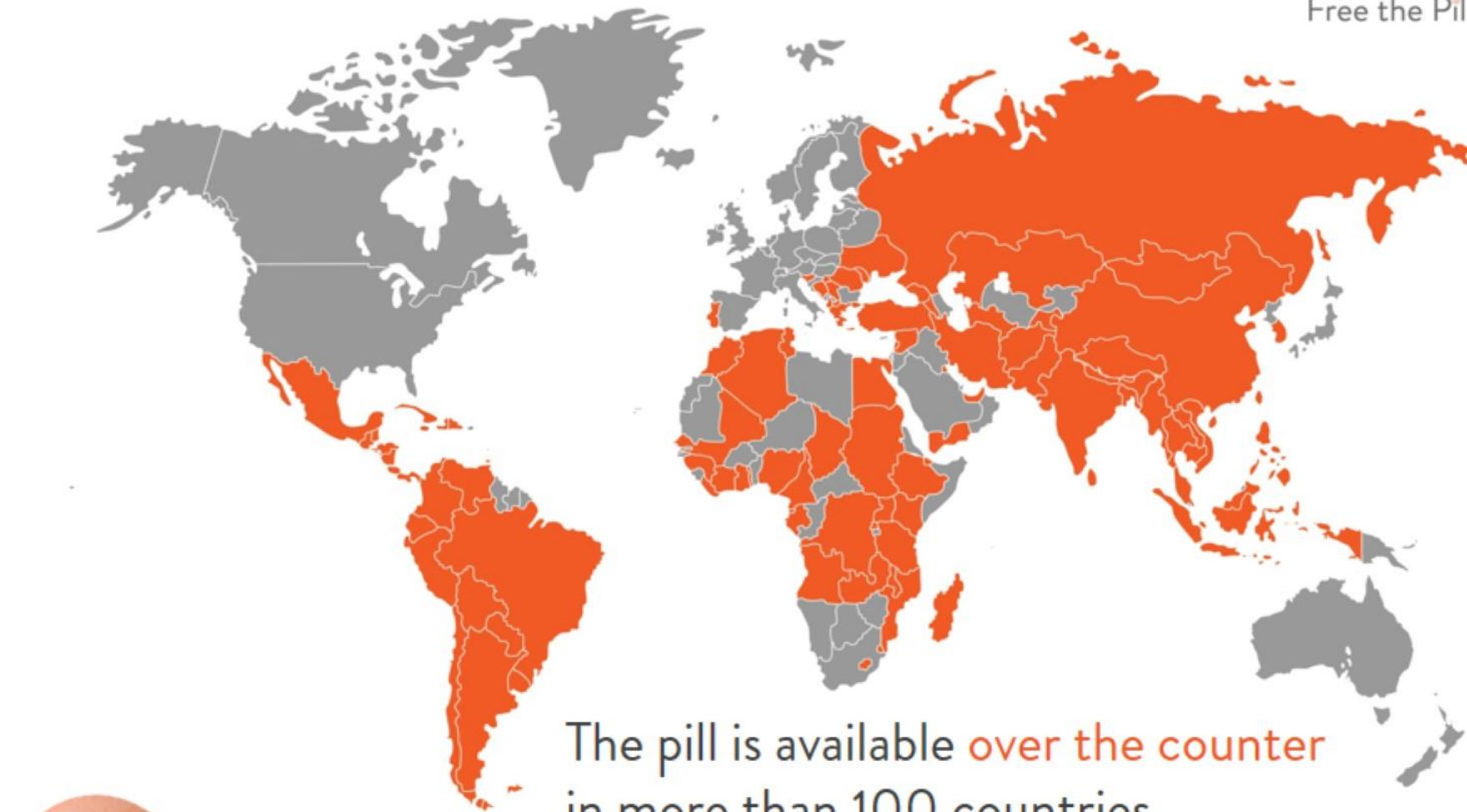
Our vision of access

- Over the counter (OTC)
- Affordable
- Covered by insurance
- Available to young people



Global trend

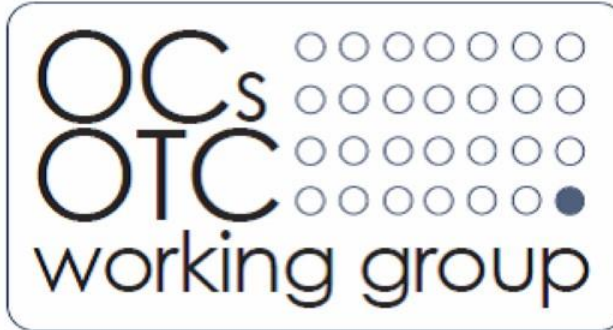
Free the Pill



The pill is available **over the counter**
in more than 100 countries



Free the Pill's story starts with the OCs OTC Working Group



The Oral Contraceptives
Over-the-Counter Working Group
is a coalition of advocates, researchers,
and health care providers
established in 2004



What we've learned

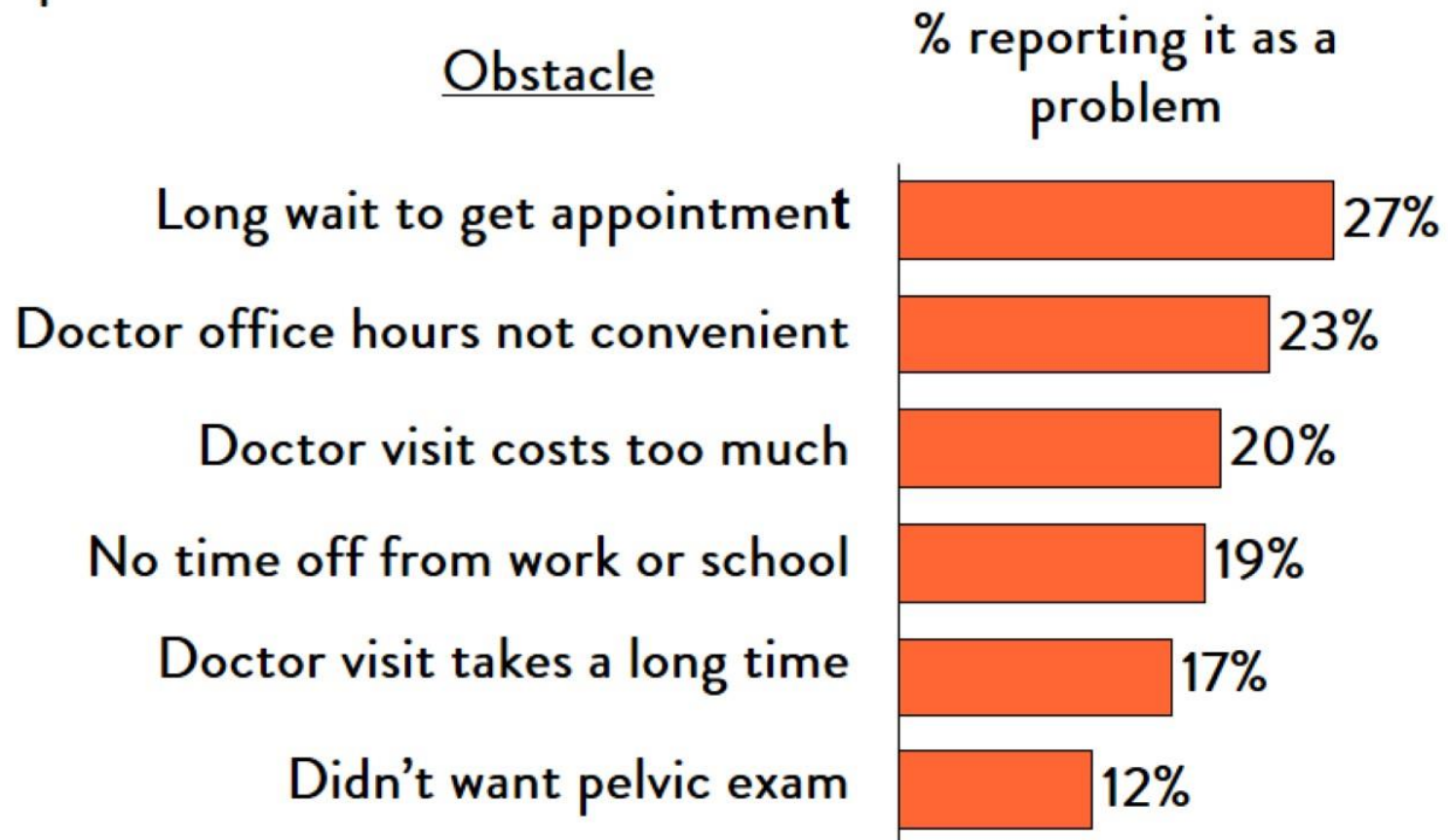
- Prescription status for the pill serves as a barrier
- OTC access may lead to higher rates of initiation and continuation
- People can accurately self-screen for conditions that could make taking the pill harmful or less effective



Grindlay J Womens Health 2015; Grossman Contraception 2013;
Potter Obstet Gynecol 2011; Grossman Obstet Gynecol 2008;
Shortorbani Contraception 2006; White Contraception 2012

Barriers to access

Among those who had used or wanted to use a prescription contraceptive (N=725)



Landau et al., 2006

Many voices in support

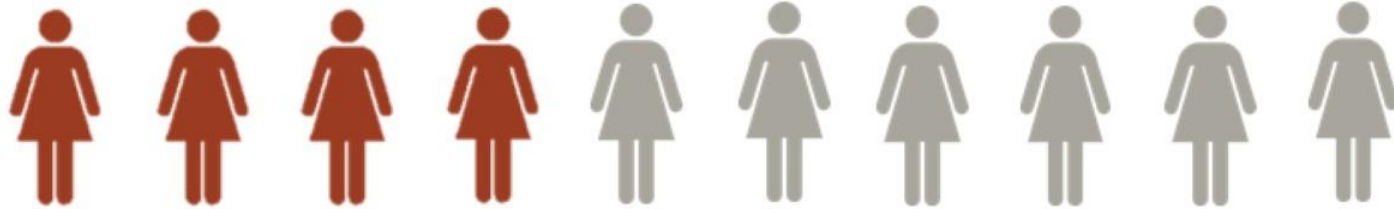


- Professional organizations voice support
 - ACOG Committee Opinion – 2012, 2015
 - AAFP resolutions – 2014, 2016
 - AMA resolution – 2018
 - 18 medical associations signed working group statement of purpose (including AAP, AAPA, ACNM, ACOG, ANA, APAOG, ARHP, AWHONN, NPWH, NAPNAP, NASPAG, NPWH, and SAHM)



90+ organizations have signed onto the
OCs OTC Working Group's Statement of Purpose

Many voices in support



4 in 10 women and 3 in 10 teens
would use an over-the-counter pill



1 in 4 women and teens not using a birth control
method would try an over-the-counter pill



Regulatory process

- Non-toxic ✓
- Not addictive ✓
- Label comprehension study
- Self-selection study
- Actual use study



Pharma partnership



Dec. 2016: Official partnership with HRA Pharma to conduct the necessary research to submit an application to the FDA to switch a progestin-only pill from prescription-only status to OTC.



Would insurance cover it?



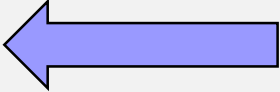
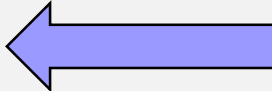
INSURANCE WILL STILL COVER THE PILL WITH A PRESCRIPTION.

SOME INSURANCE PLANS COVER OTC BIRTH CONTROL WITHOUT A PRESCRIPTION, BUT MOST REQUIRE ONE.

EFFORTS ARE UNDERWAY TO ENCOURAGE MORE PUBLIC AND PRIVATE INSURERS TO COVER OTC BIRTH CONTROL WITHOUT REQUIRING A PRESCRIPTION.



NWLC's OC OTC Project: The Vision

- OTC
- Affordable
- Covered by insurance 
- Available to young people 

NWLC's OC OTC Project: Where to start?

The Federal Landscape

- Affordable Care Act's birth control benefit
- Medicaid coverage of family planning services and supplies
- Other programs: Medicare; TRICARE

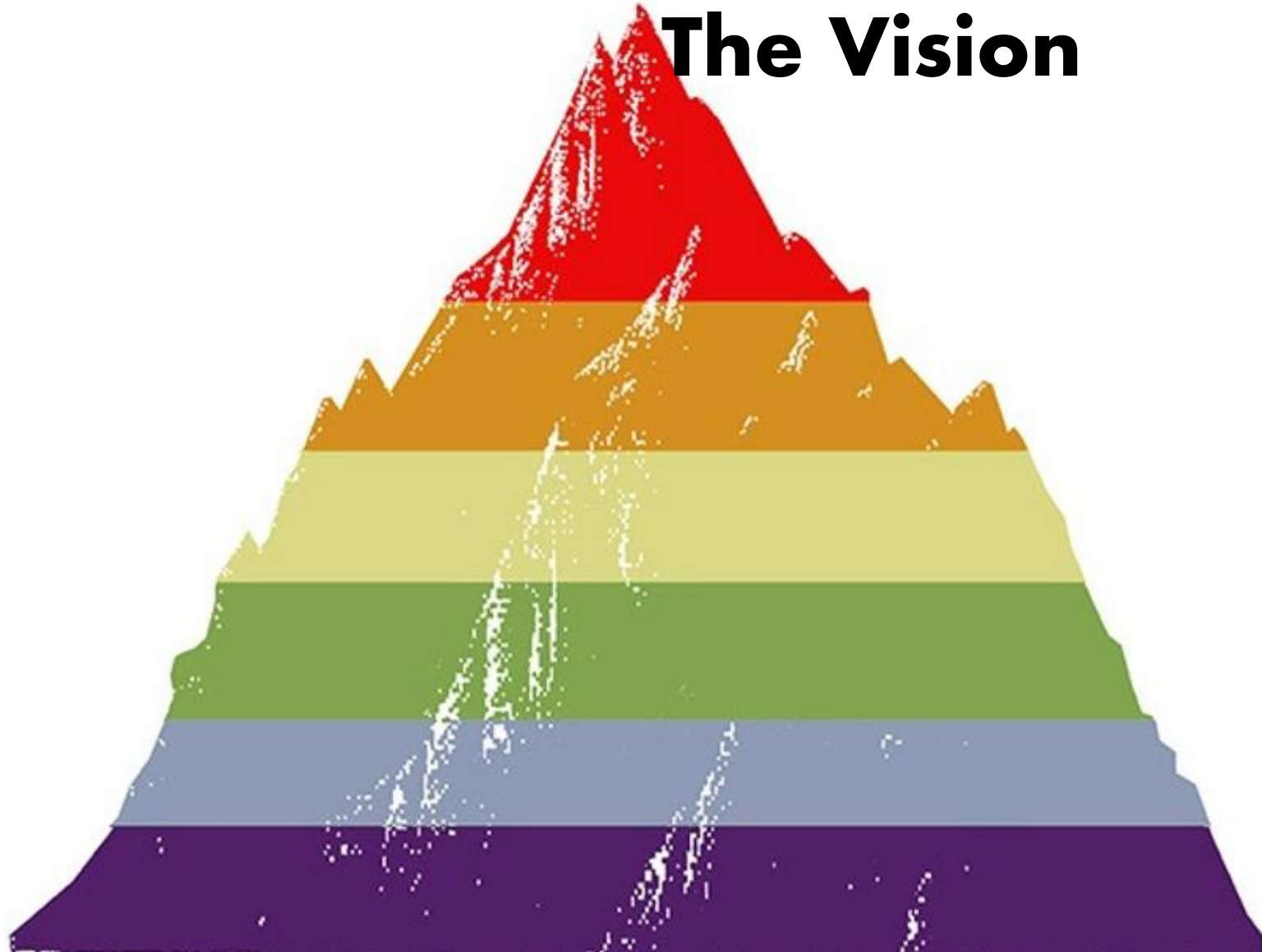
☀️The States☀️



Factors for Consideration

- Contraceptive Equity Laws
- Medicaid and State Family Planning Programs
- OTC Drug Coverage
- Pharmacist Prescribing Authority
- Pharmacy Refusal Protection Laws
- State Religious Freedom Restoration Acts (RFRA)
- Climate on the ground

The Vision



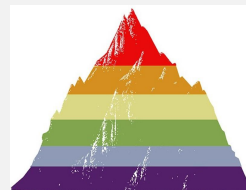
Factor: Contraceptive Equity Laws

- Originally state contraceptive equity laws required health insurers that covered prescription drugs to coverage contraceptives the same way.
- Post-ACA, some contraceptive equity laws now have other coverage requirements, including no cost sharing.
- Evaluate the current contraceptive coverage laws in your state to determine the best starting point.
- Case Study: Illinois
 - Applies to all individual and group health plans in the state
 - No cost sharing
 - Includes OTC contraceptive drugs, devices, and products
 - Added bonus! 12 month dispensing



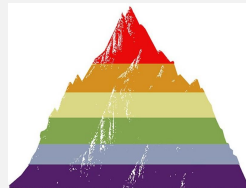
Factor: Medicaid and Family Planning Programs

- Medicaid population not always covered under state contraceptive equity laws
- Lessons learned: implementation of OTC EC coverage
- Goal is to address barriers by implementing policies like 12 month dispensing and OTC coverage without a prescription
- Case Study: Pennsylvania
 - Medicaid expansion
 - Family planning waiver
 - Medicaid LARC training and payment program



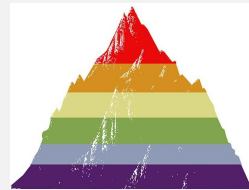
Factor: OTC Drug Coverage

- If your state already has a contraceptive equity law, adding OTC contraceptive coverage can be a great next step
- Language matters – think about the future
- Focus on the goal: coverage
- Case Study: Delaware
 - requires insurance plans to cover EC without a prescription
 - Good first step, let's push for all OTC contraceptives!



Factor: Pharmacist Prescribing Authority

- Expanding pharmacist authority to prescribe and dispense contraception
- Gets around prescription barrier
- The broader the scope the better!
- Case Study: California
 - currently has passed a law and implemented pharmacists dispensing hormonal contraception
 - Includes 4 types of methods

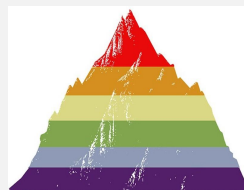


Factor: Religious Freedom Restoration Acts (RFRA)

- The federal RFRA was created for individuals who were experiencing discrimination because of their minority religious beliefs.
- Original intent was to protect individuals from being fired or punished at work for practicing their religion.
- Now it is being used as a sword instead of a shield.

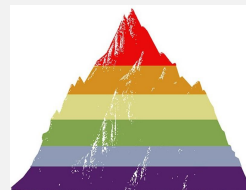
Case study: Hobby Lobby report

- Report from 2015, update coming soon
- Birth control opponents are smart and creative



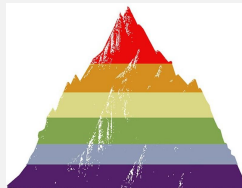
Factor: Pharmacy Refusal Protection Law

- Legal protections to ensure that patients are able to get their prescriptions when pharmacists have an objection to dispensing contraception.
- Want to create change that protects people from being refusals, including pharmacies
- Case Study: Pennsylvania
 - Pharmacy board policy statement on the “Matters of Conscience”
 - Application to OTC contraception not explicit
 - Would want to get concrete guidance from pharmacy board or pass a broad refusal protection law that includes pharmacies



Factor: Climate on the ground

- The reproductive health landscape in your state
- Is there an appetite to do progressive work?
- What's going in the courts?
- Does your state's administration support birth control and access to reproductive health services?
- How did EC transition to OTC in your state? Lessons learned?



What can you do?

	Coverage	Physical Access
Legislation	<ul style="list-style-type: none">• Contraceptive coverage without cost-sharing includes OTCs• 12-month dispensing not limited to Rx• Pharmacist scope of practice (pre-OTC and post-OTC)• Expanding coverage in existing/new programs	<ul style="list-style-type: none">• Pharmacist scope of practice (pre-OTC and post-OTC)• Protections against refusals at pharmacy
Regulations/Guidance	<ul style="list-style-type: none">• Contraceptive coverage without cost-sharing includes OTCs	<ul style="list-style-type: none">• Protections against refusals at pharmacy

How to talk about the OTC pill now

Do's

- Emphasize the importance of people choosing the birth control that is right for them – including OTC methods
- Bring up OTC products when talking about the full range of birth control methods
 - You may be doing sex ed on the range of methods even if your focus is an OTC pill
- Focus on arbitrary limits insurance companies place on coverage of birth control
- Know the OTC landscape where *you* are

Don'ts

- Repeat myths about an OTC pill – these could lead to limits on coverage or access that are not part of the vision
- Compromise on the vision for birth control coverage

Q & A

Free the Pill

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What's next?

- ❑ Follow Free the Pill on social media
@freethepill and facebook.com/freethepill
- ❑ Sign on the OC OTC Working Group Statement of Purpose
- ❑ Use the toolkit – coming soon!
- ❑ Reach out to us with ideas, comments, and questions

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