

Student Health Plans Rulemaking

Stakeholder draft

Comments due to the OIC by August 6, 2021

WAC 284-43-7210

Definitions

(1) "Contraceptive services" means consultations, examinations, procedures, and other health care services to obtain contraceptive supplies or voluntary sterilization. This includes prescribing, dispensing, inserting, delivering, distributing, administering, or removing contraceptive supplies and voluntary sterilization procedures.

(2) "Contraceptive supplies" means all contraceptive drugs, devices, and other products approved by the Federal Food and Drug Administration. This includes over-the-counter contraceptive drugs, devices, and products approved by the Federal Food and Drug Administration.

(3) "Cost-sharing" means any expenditure required of a covered person for covered services or supplies, including applicable taxes. Cost-sharing includes deductibles, coinsurance, copayments, or similar charges. Cost-sharing does not include premiums, balance billing amounts for nonnetwork providers, or spending for noncovered services or supplies.

(4) "Covered person" or "enrollee" has the same meaning as defined in RCW [48.43.005](#).

(5) "Gender expression" has the same meaning as defined in [RCW 48.43.072section 3, chapter 399, Laws of 2019](#).

(6) "Gender identity" has the same meaning as defined in [RCW 48.43.072section 3, chapter 399, Laws of 2019](#).

(7) "Medical management" or "medical management techniques" has the same meaning as defined in RCW [48.165.010](#).

(8) "Reproductive health care services" has the same meaning as defined in [RCW 48.43.072section 3, chapter 399, Laws of 2019](#).

(9) "Reproductive system" has the same meaning as defined in [RCW 48.43.072section 3, chapter 399, Laws of 2019](#).

(10) "Well-person preventative visits" has the same meaning as defined in [RCW 48.43.072section 3, chapter 399, Laws of 2019](#).

WAC 284-43-7220

Coverage Required.

A health plan must provide coverage for all services and supplies required under RCW [48.43.072](#) and [48.43.073](#). ~~A Effective January 1, 2021, a~~ student health plan must also provide coverage for all services and supplies required under RCW [48.43.072](#) and [RCW 48.43.073](#).

(1) Required coverage of contraceptive services and supplies includes, but is not limited to:

(a) All prescription and over-the-counter contraceptive drugs, devices, and other products approved by the Federal Food and Drug Administration;

(b) Voluntary sterilization procedures; and

(c) The consultations, examinations, procedures, and medical services that are necessary to prescribe, dispense, insert, deliver, distribute, administer, or remove the drugs, devices, and other products or services in (a) and (b) of this subsection.

(2) A health plan [or student health plan](#) that provides coverage for maternity care or services must also provide a covered person with substantially equivalent coverage to permit the abortion of a pregnancy. For the coverage to be substantially equivalent, a health plan [or student health plan](#) must not apply cost-sharing or coverage limitations differently for abortion and related services than for maternity care and its related services unless the difference provides the enrollee with access to care and treatment commensurate with the enrollee's specific medical needs, without imposing a surcharge or other additional cost to the enrollee beyond normal cost-sharing requirements under the plan.

(3) This subchapter does not diminish or affect any rights or responsibilities provided under RCW [48.43.065](#).

WAC 284-43-7250

Filing Requirements

(1) For health plans [and student health plans](#) subject to RCW [48.43.072](#) and [48.43.073](#), the carrier must ensure that the health plan [and student health plan](#) forms clearly inform covered persons of their rights to access contraceptive services and supplies, voluntary sterilization and abortion. The health plan [and student health plan](#) forms must clearly inform covered persons how they access these services and supplies.

~~(2) For student health plans subject to RCW [48.43.072](#), the carrier must ensure that the plan forms clearly inform covered persons of their rights to access contraceptive~~

~~services and supplies, and voluntary sterilization. The plan forms must clearly inform covered persons how they access these services and supplies.~~

(32) A health plan's forms and student health plan's forms must include a detailed description of the plan's benefits provided to covered persons that specifically instructs covered persons where and how they access coverage of contraceptive supplies, including over-the-counter supplies. This information must include:

(a) Whether covered supplies are available from in-network and out-of-network providers; and

(b) How to submit a claim including, at a minimum:

(i) Whether covered persons may purchase covered supplies and seek reimbursement from the carrier;

(ii) How to access and submit any necessary claim forms; and

(iii) Where to send a claim, such as a mailing address or instructions for submitting a claim electronically.

(43) If a health plan or student health plan limits the number of covered over-the-counter contraceptive supplies, the health plan must include with its filing supporting evidence showing that the limitation does not impose any restriction or delay on the coverage of contraceptive supplies in violation of RCW [48.43.072](#) or any other state or federal law.

(54) If a health plan or student health plan limits the number of covered contraceptive services or supplies, the plan forms must include a detailed description of the plan's benefits that specifically instructs covered persons how to request coverage of additional contraceptive services or supplies. The process may not impose any restrictions or delays on the coverage or access of contraceptive services or supplies in violation of RCW [48.43.072](#), or any other state or federal law.

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