

From: DMHC Licensing eFiling

Subject: APL 23-009 - Health Plan Coverage of Preventive Services

Date: Thursday, March 30, 2023 6:09 PM

Attachments: APL 23-009 - Health Plan Coverage of Preventive Services (3.30.2023)

Dear Health Plan Representative:

The Department of Managed Health Care (Department) issues this All Plan Letter (APL) 23-009 reminding California health plans of their obligation to cover preventive services as required by the Knox-Keene Health Care Service Plan Act.

Thank you.



Gavin Newsom, Governor
State of California
Health and Human Services Agency
DEPARTMENT OF MANAGED HEALTH CARE
980 9th Street, Suite 500
Sacramento, CA 95814
Phone: 916-324-8176 | Fax: 916-255-5241
www.HealthHelp.ca.gov

ALL PLAN LETTER

DATE: March 30, 2023

TO: All Full-Service Commercial and Medi-Cal Managed Care Health Care Service Plans¹

FROM: Sarah Ream
Chief Counsel, DMHC

SUBJECT: APL 23-009 - Health Plan Coverage of Preventive Services

This morning the district court judge in *Braidwood Management Inc., et al, v. Becerra, et al.*² issued a nationwide injunction barring the United States Department of Health and Human Services from enforcing the preventive care mandates in the Patient Protection and Affordable Care Act (ACA). The California Department of Managed Health Care (DMHC) anticipates that the defendants in that action will appeal the decision.

However, regardless of whether the defendants appeal and the outcome of any such appeal, the *Braidwood Management Inc.* decision will not impact enrollees in health plans regulated by the DMHC, because the Knox-Keene Health Care Service Plan Act (Knox-Keene Act) imposes an independent duty on health plans to cover the preventive services effected by the ruling. Additionally, health plans must cover these services without costsharing or prior authorization.³

This duty is not tied to the ACA's requirements regarding coverage of preventive services. Preventive services health plans must cover under the Knox-Keene Act include, but are not limited to:

- Evidence-based items or services that have in effect a rating of "A" or "B" in the recommendations of the United States Preventive Services Task Force (USPSTF), as periodically updated. These services include, but are not limited to, screenings for certain cancers and sexually transmitted diseases, behavioral health screenings, and diabetes screenings.⁴

¹ This APL does not apply to Medicare Advantage products or to specialized health care products.

² United States District Court, Northern District of Texas, Fort Worth Division, Case number 4:20-cv-00283-O.

³ Health and Safety Code section 1340 et. seq.

⁴ Health and Safety Code section 1367.002(a)(1).

Protecting the Health Care Rights of More Than 28.4 Million Californians
Contact the DMHC Help Center at 1-888-466-2219 or www.HealthHelp.ca.gov

- Immunizations that have in effect a recommendation, as periodically updated, from the Advisory Committee on Immunization Practices of the federal Centers for Disease Control and Prevention with respect to the individual involved.⁵
- With respect to women, infants, children, and adolescents, evidence-informed preventive care and screenings provided in the comprehensive guidelines, as periodically updated, supported by the United States Health Resources and Services Administration.⁶
- Preexposure and postexposure HIV prophylaxis drugs (e.g., PrEP), without prior authorization or costsharing.⁷
- FDA approved contraceptive drugs and devices without any costsharing.⁸

If you have questions regarding this APL, please contact your health plan's assigned reviewer in the DMHC's Office of Plan Licensing.

⁵ Health and Safety Code section 1367.002(a)(2).

⁶ Health and Safety Code section 1367.002(a)(3) and (a)(4).

⁷ Health and Safety Code sections 1367.002 and 1342.74.

⁸ Health and Safety Code section 1367.25.