



**Interim Final Regulations implementing the rules for group health plans and insurers regarding preventive health services have now been issued. This guidance applies for plan years beginning on or after September 23, 2010.**

### **Preventive Care Regulations Released**

An interim final rule detailing coverage of preventive services has been jointly released this week by the U.S. Departments of Treasury, Health and Human Services, and Labor. The rule is scheduled to be published in the Federal Register on July 19, 2010, with a 60-day comment period to follow. This rule will be effective almost immediately. Plans should familiarize themselves with the requirements so as to be able to consider what coverage requirements are needed to comply with preventive services required by the Patient Protection and Affordable Care Act (PPACA).

The requirements for preventive services are **generally effective** for plan years beginning on or after **September 23, 2010**. The requirements **do not apply to grandfathered plans**.

Guidelines are based on recommendations of the U. S. Preventive Services Task Force, the immunizations from the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention, and evidence-informed preventive care and screenings for infants, children, adolescents and women as set forth in comprehensive guidelines developed by the Health Resources and Services Administration.

**Three populations are identified:** covered preventive services for adults, covered preventive services for women, including pregnant women, and covered preventive services for children.

**Categories of preventive services** include immunizations, blood pressure and cholesterol screenings, diabetes screening for hypertensive patients, various cancer and sexually transmitted infection screenings, genetic testing for the BRCA gene, depression screening, tobacco cessation,

obesity screening and counseling, and other services. The complete list of recommendations and coverage guidelines can be viewed at <http://www.HealthCare.gov/center/regulations/prevention.html>

Non-grandfathered group health plans will be required to provide **first-dollar preventive care services**, such as mammograms, colonoscopies and immunizations. The rules provide examples to determine the cost-sharing requirements when a recommended preventive service is provided during an office visit. If the service is billed separate from the office visit, then a plan can impose cost-sharing requirements with respect to the office visit. If the service is not billed separately from the office visit, then a plan may not impose cost-sharing requirements with respect to the office visit. If the service is not billed separately from an office visit, then a plan may not impose cost-sharing requirements with respect to the office visit. If the service is not billed separately and the primary purpose of the visit is not the delivery of a preventive item or service, then a plan may impose cost-sharing requirements with respect to the office visit.

The interim final regulations clarify that a plan or issuer is not required to provide coverage for recommended preventive services delivered by an out-of-network provider.

The rule further clarifies that a plan or issuer may impose cost-sharing requirements for recommended preventive services delivered by an out-of-network provider.

**Of interest** are the evidence-based items or services that have in effect **a rating of A or B** in the current recommendations of the **U.S. Preventive Services Task Force**. The rule says that preventive services given a grade of A or B by the Task Force have been determined by the Task Force to have at least fair or good evidence that the service improves important health outcomes and that benefits outweigh harms, based on the judgment of an independent panel of private sector experts in primary care and prevention.

**These recommendations, as of July 13, 2010, include the following:**

**Note: Two (\*\*) asterisks means currently covered in most Allegiance plans but not as preventive care. One (\*) asterisk means currently covered in most Allegiance plans as preventive care. Please review your plan or policy for specifics on how these services may or may not be covered for your employee population.**

- Screening for abdominal aortic aneurysm\*\*
- Counseling for alcohol misuse\*\*
- Screening for anemia\*\*
- Aspirin to prevent cardiovascular disease (CVD) for men and women
- Screening for bacteriuria – urine culture for pregnant women\*\*
- Screening for blood pressure\*
- Counseling for BRCA screening
- Screening for breast cancer (mammography)\*
- Chemoprevention of breast cancer\*\*
- Counseling for breast feeding
- Screening for cervical cancer\*
- Screening for chlamydial infection – pregnant and non-pregnant women\*\*

- Screening for cholesterol abnormalities for men younger than 35 and older than 35; women younger than 45 and 45 and older\*
- Screening for colorectal cancer\*\*
- Chemoprevention of dental caries
- Screening for depression – adults and adolescents
- Screening for diabetes\*\*
- Counseling for diet\*\* •Supplementation with folic acid\*\*
- Screening for gonorrhea – women\*\*
- Prophylactic medication for gonorrhea – newborns\*
- Screening for hearing loss
- Screening for hemoglobinopathies
- Screening for hepatitis B\*\*
- Screening for HIV\*\*
- Screening for congenital hypothyroidism\*\*
- Iron supplementation in children\*\*
- Screening and counseling for obesity – adults and children
- Screening for osteoporosis\*\*
- Screening for phenylketonuria (PKU) in newborns\*
- Screening for Rh incompatibility for pregnant women and repeated Rh (D) antibody testing at 24-28 weeks' gestation\*\*
- Counseling for sexually transmitted infections (STIs)\*\*
- Counseling for tobacco use – adults and pregnant women\*\*
- Screening for syphilis – pregnant women and non-pregnant persons\*\*
- Screening for visual acuity in children younger than 5 years of age

We will provide further guidance and interpretation in order to help plans with compliance.