



**Government of the District of Columbia
Department of Insurance, Securities and Banking**

Stephen C. Taylor
Commissioner

**BULLETIN
19-IB-1-2/8**

TO: HEALTH INSURERS OPERATING IN THE DISTRICT OF COLUMBIA

FROM: STEPHEN C. TAYLOR, COMMISSIONER

SUBJECT: ANNUAL NOTICE REGARDING COVERAGE FOR WOMEN'S HEALTH CARE SERVICES AND ISSUER ACCOMODATION REPORTING

DATE: FEBRUARY 8, 2019

The purpose of this Bulletin is to implement provisions of the Defending Access to Women's Health Care Services Amendment Act of 2018, effective March 28, 2018, (D.C. Law 22-75, 65 DCR 1374). First, the Bulletin is intended to remind health insurers of their responsibility to provide insureds with an annual notice of their obligation to provide coverage for services, drugs, devices, products, and procedures as required by section 5e(c) of the Women's Health and Cancer Rights Federal Law Conformity Act of 2000, effective April 3, 2001 (D.C. Law 13-254, as added March 28, 2018, D.C. Law 22-75, D.C. Official Code § 31-3834.05(c) (the "2018 Act")). Second, the Bulletin outlines the procedures and provides forms to comply with the employer self-certification of religious exemptions and issuer accommodation report required by sections 5d(c) and (d) of the 2018 Act (D.C. Law 22-75; D.C. Official Code §§ 31-3834.04(c) and (d)). This Bulletin constitutes interpretive guidance.

Notice of Rights to Healthcare Coverage

To comply with D.C. Official Code § 31-3834.05(c), the Department hereby gives notice to all health insurers regarding their obligation to provide coverage for services, drugs, devices, products, and procedures described in D.C. Official Code §§ 31-3834.01 and 31-3834.02.

As applicable, pursuant to D.C. Official Code § 31-3834.01, health insurers shall make readily accessible to enrollees and potential enrollees the following information:

1. Full and accurate information relevant to coverage and cost-sharing for contraceptive services by each health insurance plan, including an explanation of an insured's financial

responsibility for payment of premiums, coinsurance, copayments, deductibles and any other charges;

2. The coverage of other services, drugs, devices, products, and procedures described in D.C. Official Code §§ 31-3834.01 and 31-3834.02, including, but not limited to, breast cancer screening, screening for cervical cancer (including HPV testing), and screening and counseling for HIV; and
3. The right to receive up to a 12-month supply of contraception prescribed and dispensed by a pharmacist licensed pursuant to D.C. Official Code § 3-1202.08(g-1) without cost-sharing requirements.

Health insurers also shall provide the information described in D.C. Official Code § 31-3834.01 in the following consumer-friendly format:

1. One which can be viewed on the insurer's public website through a clearly identifiable link or tab without requiring an individual to create or access an account or enter a policy or contract number, or with a link on the account page if an account has been created;
2. By email or letter within 14 days after a request by an enrollee; or
3. By March 28, 2019 or whenever written materials are reprinted, whichever is sooner, in written materials that explain benefits or coverage that are provided to enrollees and potential enrollees, including in an addendum summarizing benefits and coverage.

Employer Notice of Request for Accommodation and Self-Certification and
Issuer Accommodation Report

To comply D.C. Official Code §§ 31-3834.04(b) and (c), the Department is making available the following forms:

- (1) Employer Notice of Request for Accommodation and Self-Certification Form; and
- (2) Issuer Accommodation Report Form.

Employer Notice of Request for Accommodation and Self-Certification Form

An employer claiming an exemption under D.C. Official Code § 31-3834.04(a) shall provide a notice of request for accommodation to a group health insurance issuer pursuant to D.C. Official Code § 31-3834.04(b) indicating that it meets the criterion in §§ 31-3834.04(c)(1) or (2) and has an objection to coverage of all or a subset of contraceptive services required by D.C. Official Code §§ 31-3834.01 thru 31-3834.03. A group health insurance issuer that has certified that the employer meets the requirements of §§ 31-3834.04(c)(1) or (2) shall provide an employer an accommodation pursuant to D.C. Official Code § 31-3834.04(c).

Group health insurance issuers shall make available to employers the Employer Notice of Request for Accommodation and Self-Certification Form.

Issuer Accommodation Report Form

Group health insurance issuers shall report to the Department on a quarterly basis which employers have been granted accommodations pursuant to D.C. Official Code § 31-3834.04(c).

The first issuer report is due on April 30, 2019 and shall cover the period of March 28, 2018 through December 31, 2018. Thereafter, quarterly reports shall due as follows:

- April 30th (Reporting on the period between January 1 – March 31)
- July 31st (Reporting on the period between April 1 – June 30)
- October 31st (Reporting on the period between July 1 – September 30)
- January 31st (Reporting on the period between October 1 – December 31)

Quarterly reports shall be submitted via email to insurance.bureau@dc.gov.

Employer Notice of Request for Accommodation and Self-Certification Form

The form shall be completed annually for any employer seeking an accommodation. Once completed, the form should be submitted via email to: (Insurer’s email address) or by U.S. mail to: (Insurer’s mailing address).

Date: _____

Plan Year: _____

Group: _____

The following eligible employer has a religious objection to providing coverage of:

All; **OR**

a subset of contraceptive services required under D.C. Official Code §§ 31-3834.01 and 31-3834.02.

(1) Name of eligible employer:

Contact information: _____

Eligible employer is a:

Closely held for-profit entity; **OR** Non-profit entity (religious organization)

(2) If the eligible employer objects to providing coverage to a subset of contraceptive services, include a list of the services the eligible organization objects to covering:

(3) Information being submitted is (check one):

Original information; **OR**

[] Updated information.

If updated information is being provided, specify the date upon which the updated information was, or will be, effective and what has changed: _____

Signature of authorized representative of eligible employer

Date

Typed name of authorized representative of eligible employer

Issuer Accommodation Report Form

Reporting Period _____

Section 31-3834(b)(2) of the D.C. Official Code mandates that all group health insurance issuers report to the Department on a quarterly basis which employers have been granted an accommodation pursuant to D.C. Official Code § 31-3834.04(c). To comply with this reporting requirement, issuers shall complete the following matrix for each reporting period.

Employer Name	Plan Year	Group	Eligibility Category	Objection to All or a Subset of Contraceptives <i>(If a subset, please list exempted services)</i>	Comments

Completed reports shall be submitted to the Department of Insurance, Securities and Banking by email at Insurance.Bureau@dc.gov.

Any questions or concerns regarding this Bulletin may be directed to the Insurance Bureau of the Department of Insurance, Securities and Banking by email at insurance.bureau@dc.gov or by phone at (202) 727-8000.