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Department of Health Care Services



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GOVERNOR

DATE: November 21, 2018

ALL PLAN LETTER 18-019
SUPERSEDES ALL PLAN LETTER 16-003

TO: ALL MEDI-CAL MANAGED CARE HEALTH PLANS

SUBJECT: FAMILY PLANNING SERVICES POLICY FOR SELF-ADMINISTERED
HORMONAL CONTRACEPTIVES

PURPOSE:

The purpose of this All Plan Letter (APL) is to provide clarification for Medi-Cal Managed Care Plans (MCPs) and their delegates regarding requirements for coverage of self-administered hormonal contraceptive supplies for family planning. This APL supersedes APL 16-003.

BACKGROUND:

Pursuant to federal law¹ and the Department of Health Care Services (DHCS) Medi-Cal managed care contract,² MCPs must not restrict a member's choice of provider for family planning services. Accordingly, MCP members have the right to access family planning services through any qualified family planning provider, including out-of-network providers, without prior authorization. A qualified provider is a provider who is licensed to furnish family planning services within their scope of practice, is an enrolled Medi-Cal provider,³ and is willing to furnish family planning services to a member.

Senate Bill (SB) 999 (Pavley, Chapter 499, Statutes of 2016)⁴ amended Business and Professions Code (BPC) Section 4064.5, Health and Safety Code (HSC) Section 1367.25, and Welfare and Institutions Code (WIC) Section 14000.01 pertaining to coverage of United States Food and Drug Administration (FDA) -approved, self-administered hormonal contraceptives. DHCS policy reflects these changes.

¹ Title 42 United States Code, Sections 1396a(a)23(B) and 1396d(a)(4)(C), available at: <http://uscode.house.gov/>

² Exhibit A, Attachment 9, Access and Availability. Medi-Cal Managed Care Boilerplate contracts are available at: <http://www.dhcs.ca.gov/provgovpart/Pages/MMCDBoilerplateContracts.aspx>

³ Title 22, California Code of Regulations, Section 51200, is available at: <https://govt.westlaw.com/calregs/Search/Index>

⁴ SB 999 is available at: http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB999

POLICY:

Pursuant to state law, MCPs must cover up to a 12-month supply of FDA-approved, self-administered hormonal contraceptives when dispensed or furnished at one time by a provider or pharmacist or at a location licensed or authorized to dispense drugs or supplies.⁵ This means MCPs must reimburse for a 12-month supply of oral contraceptive pills, hormone-containing contraceptive transdermal patches, or hormone-containing contraceptive vaginal rings when dispensed at one time at a member's request by a qualified family planning provider or pharmacist, including out-of-network providers. The Medi-Cal Provider Manual specifies appropriate 12-month supply quantities of these self-administered hormonal contraceptives for continuous cycle users.⁶

A physician, physician assistant, certified nurse midwife, nurse practitioner, and pharmacist are all authorized to dispense medication. When furnished by a pharmacist, self-administered hormonal contraceptives must be dispensed in accordance with a protocol approved by the California State Board of Pharmacy and the Medical Board of California.⁷ A registered nurse who has completed required training pursuant to BPC Section 2725.2(b) may also dispense contraceptives when Evaluation and Management procedure 99201, 99211, or 99212 is performed and billed with modifier 'TD.'⁸

Absent clinical contraindications, MCPs must not impose utilization controls limiting the supply of FDA-approved, self-administered hormonal contraceptives dispensed or furnished by a provider, pharmacist, or other authorized location to an amount that is less than a 12-month supply.⁹ In addition, MCPs must not impose utilization controls that are more restrictive than those described in the Medi-Cal Provider Manual.¹⁰

MCPs are responsible for ensuring that their delegates comply with all applicable state and federal laws and regulations, contract requirements, and any DHCS-issued guidance, including applicable APLs and Policy Letters.

⁵ See HSC Section 1367.25(d)(1). HSC Section 1367.25 is available at:

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=1367.25.&lawCode=HSC

⁶ See the Contraceptives heading within the Family Planning section of the Medi-Cal Provider Manual at: http://files.medi-cal.ca.gov/pubsdoco/publications/masters-mtp/part2/famplanning_m00o03.doc.

⁷ See BPC Section 4064.5(f)(2). BPC Section 4064.5 is available at:

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4064.5.&lawCode=BPC

⁸ See the Contraceptives heading within the Family Planning section of the Medi-Cal Provider Manual.

⁹ HSC Section 1367.25(d)(4).

¹⁰ See the Contraceptives heading within the Family Planning section of the Medi-Cal Provider Manual.

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If you have any questions regarding this APL, please contact your Managed Care Operations Division Contract Manager.

Sincerely,

Original signed by Nathan Nau

Nathan Nau, Chief
Managed Care Quality and Monitoring Division