



September 30, 2011

Secretary Kathleen Sebelius
Department of Health and Human Services
Hubert H. Humphrey Building
200 Independence Avenue, SW
Washington, DC 20201

RE: Comments on Group Health Plans and Health Insurance Issuers Relating to Coverage of Preventive Services under Patient Protection and Affordable Care Act: Amendment. (Document ID EBSA-2010-0018-0002)

Dear Secretary Sebelius:

We were very pleased that the recently released HHS guidelines for women's preventive services were consistent with the findings of the Institute of Medicine (IOM) report on this topic. In particular, we think that requiring coverage of all FDA-approved contraceptives will have a significant impact on reducing barriers to family planning. Research has identified cost as a reason for non-use or gaps in use of contraceptive methods,ⁱ and reducing these cost barriers will likely have an important impact on reducing our nation's high rate of unintended pregnancy.

At the same time, we would like to comment on the need for further guidance from HHS on how the guidelines will be implemented. In particular, we believe guidance is needed regarding the coverage of over-the-counter FDA-approved contraceptives. Several of the effective FDA-approved contraceptives referred to in the IOM report are available over the counter, including male and female condoms, spermicides, and emergency contraception.

By accepting the IOM report recommendations, the HHS guidelines imply that over-the-counter FDA-approved contraceptives must also be covered. But more explicit guidance is needed. In particular, will a prescription be required to obtain these methods? Difficulty obtaining a prescription has also been found to be a reason why women are unable to use a contraceptive method and may act as a barrier to access.ⁱⁱ We recommend that HHS not require a prescription for these over-the-counter methods. Instead, a reasonable monthly dispensing limit for each method directly at the pharmacy or point of sale could be included in the guidance.

The HHS guidelines are an important advance for women's health care, and we hope they will eventually be extended to women on Medicaid as well.

Sincerely,

Kelly Blanchard, MS
President
Ibis Reproductive Health

Daniel Grossman, MD
Senior Associate
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ⁱ Frost JJ, Singh S, Finer LB. U.S. women's one-year contraceptive use patterns, 2004. *Perspect Sex Reprod Health* 2007;39(1):48-55.

ⁱⁱ Landau SC, Tapias MP, McGhee BT. Birth control within reach: a national survey on women's attitudes toward and interest in pharmacy access to hormonal contraception. *Contraception* 2006;74(6):463-70.