



COMMONWEALTH OF PUERTO RICO  
**OFFICE OF THE COMMISSIONER OF INSURANCE**

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April 13, 2016

**CIRCULAR LETTER NO.: CC-2016-1882-D**

TO ALL HEALTH INSURANCE ORGANIZATIONS AND INSURERS THAT WRITE HEALTH INSURANCE IN PUERTO RICO

**ADMINISTRATIVE ORDER NO. 350 OF THE DEPARTMENT OF HEALTH OF PUERTO RICO AND COVERAGE OF CONTRACEPTIVES**

Dear Sirs and Madams:

On April 7, the Department of Health of the Commonwealth of Puerto Rico issued Administrative Order No. 350 (the "Administrative Order") reiterating the state of emergency declared in Puerto Rico due to the ZIKA virus in Administrative Order No. 345, on February 2, 2016. According to the Administrative Order, insurers and/or health insurance organizations shall broaden access to effective contraceptive methods, among other activities, as a result of the ZIKA virus. Administrative Order No. 350 is enclosed with this letter.

Under the Provisions of the Puerto Rico Health Insurance Code (Spanish acronym CSSPR) and the Affordable Care Act, all health insurance plans (except grandfathered plans) must cover contraceptive methods. According to the applicable standards for health insurance, all insurers and health insurance organizations have the obligation to cover the "preventive services" required under the CSSPR and the Affordable Care Act, contraceptive methods being one of those services. Therefore, health insurance that is not excepted under the Code must comply with at least one option within each of the contraceptive methods that have been approved by the FDA, including:

- Pills
- Vaginal ring
- The patch
- Injection ("Depo")

- Implants
- IUDs
- Diaphragm
- Emergency contraceptives (“the morning-after pill”)
- Spermicides
- Sponge

Furthermore, both the Health Insurance Code and the Affordable Care Act require that a visit to the health care provider be covered for the purpose of discussing the options for appropriate contraceptive methods and follow-up visits that may be necessary for the management and functioning of such methods.

However, we clarify that even though grandfathered health insurance plans do not have the obligation to cover preventive service under the Code, there may be some of these plans that cover contraceptive methods voluntarily. Therefore, we urge both grandfathered plans that already cover contraceptive methods as well as those that do not cover such methods to broaden their contraceptive methods coverage to assist in the prevention of the ZIKA virus.

Likewise, we remind insurers and health insurance organizations that with the exception of the grandfathered health insurance plans, all health insurance plans have the obligation to cover at least one option within each of the contraceptive methods that have been approved by the FDA. Therefore, they must respond with diligence to the Administrative Order.

We are certain that our licensees recognize the need for the immediate cooperation of all of the components of the health care industry, including insurers and health insurance organizations, to contend with the state of emergency that has been declared.

Strict compliance with this Circular Letter is hereby required.

Very truly yours,

SIGNED

Ángela Weyne-Roig  
Commissioner of Insurance

Enclosure