



GOVERNMENT OF PUERTO RICO  
Office of the Commissioner of Insurance

February 28, 2020

**CIRCULAR LETTER NO. CC-2020-1958 -D**

**TO ALL HEALTH SERVICES ORGANIZATIONS AND INSURERS THAT WRITE HEALTH INSURANCE IN PUERTO RICO UNDER THE HEALTH INSURANCE CODE OF PUERTO RICO.**

**RE: MANDATORY COVERAGE FOR INFLUENZA IMMUNIZATION**

Dear Sirs and Madams:

The Office of the Commissioner of Insurance of Puerto Rico (OCI) has the duty to enforce compliance with the standards of the Patient Protection and Affordable Care Act (ACA) that are implemented in Puerto Rico under the provisions of the Health Insurance Code of Puerto Rico for the primary purpose of ensuring that the general public may have the best health services. In this regard, it is important to remind you that the requirements for preventive health care established under the Health Insurance Code include specific provisions regarding access to vaccines.

The following is provided in Section 2.050 (c) (2) of the Health Insurance Code, in its relevant part:

“Section 2.050.- Compliance with federal legislation

(c) An insurer or health insurance organization offering group or individual health plans shall, at least, provide coverage and shall not impose any cost-sharing requirements for the following preventive care services, insofar as the covered person receives such from a participating provider:

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...

(2) immunizations that have a recommendation in effect from the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention and the Advisory Committee on Immunization Practices of the Department of Health of Puerto Rico..

...

World-wide, vaccination is considered to be one of the most effective tools to prevent contagion of preventable diseases, which otherwise could become outbreaks, epidemics, or pandemics. It is also scientific knowledge that persons who have a robust immunological system are better prepared to face preventable diseases, such as influenza.

Since we are in the midst of the influenza season, it is important to reiterate to all insurers or health insurance organizations that they have the obligation to provide influenza vaccination coverage free of any out-of-pocket expense (copay, deductibles, or coinsurance) for the insured or the beneficiary. The billing process includes the use of separate rates for the administration of immunization by a physician or qualified health professional and another for the kind of vaccine to be administered.

For your convenience, the updated recommendations of the Advisory Committee on Immunization Practices (ACIP) may be accessed at the following webpage: <https://www.cdc.gov/vaccines/acip/recommendations.html>.

You are advised that failure to comply with the aforementioned provisions of law will entail the levying of sanctions.

Very truly yours,

**Rafael Cestero-Lopategui, CIC**  
Chief Deputy Commissioner of Insurance