



GOVERNMENT OF PUERTO RICO
Office of the Commissioner of Insurance

November 18, 2022

RULING LETTER: CN-2022- 325-D

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

RE: ADMINISTRATIVE ORDER NO. 554 OF THE DEPARTMENT OF HEALTH OF PUERTO RICO ON THE OBLIGATION OF ALL HEALTH SERVICES ORGANIZATIONS AND INSURERS THAT WRITE PRIVATE HEALTH INSURANCE IN PUERTO RICO TO PROVIDE TREATMENT, MEDICATIONS, AND DIAGNOSTIC TESTS FOR INFLUENZA; MANDATORY COVERAGE OF IMMUNIZATION.

Dear Sirs and Madams:

In the past months, the epidemiological surveillance systems have detected a sharp increase in cases of influenza, along with the persistent presence of the COVID-19 virus, putting the population at a greater risk for influenza, which must be addressed in a responsible and timely manner. In view of this, on November 8, 2022, the Department of Health issued Administrative Order No. 554, effective on that date, to establish the obligation of all health services organizations that manage public or private health insurers to provide treatment, medications and diagnostic test to patients who present influenza symptoms.

In fact, as set forth in Administrative Order No. 554 of the Department of Health, at this point in the season, some 3,868 cases have already been identified, most of which are children between the ages of 0 to 8 and the majority are type A influenza. Furthermore, it its expected that there will be an increase in cases from the months of December to March 2023, which is a serious public health matter that warrants early detection as well as timely access to treatment and medications. The Office of the Commissioner of Insurance (“OCI”), joins in the efforts of the Department of Health to ensure compliance with Administrative Order No. 554, for which the following guidelines are established:

TREATMENT AND MEDICATIONS

As provided in Administrative Order No. 554 of the Department of Health, all insurers or health services organizations insurers have the obligation to include as part of the coverage and to provide the insured or enrollees with the treatments and medications approved by the Food and Drug Administration (“FDA”) that may be necessary to treat influenza, regardless of the types of virus influenza for which the physician orders the treatment or medication.



DIAGNOSTIC TESTS

Administrative Order No. 554 of the Department of Health, also requires all insurers or health services organizations insurers, public and private, to include as part of the coverage of all insureds or enrollees the diagnostic tests approved by the Food and Drug Administration (“FDA”) needed for treating patients who present symptoms consistent with influenza, regardless of the types of virus influenza for which the physician orders the test or the types of tests available for detecting the influenza virus.

MANDATORY COVERAGE OF IMMUNIZATION AGAINST INFLUENZA

It is well known that the influenza vaccine may help to prevent or reduce the severity of influenza, these being the ideal months in which to be vaccinated. The influenza vaccine has proven to reduce the risk of illness due to influenza, hospitalization, and death, and therefore reduce the burden to the medical attention system and aid in conserving the medical attention resources that are currently potentially depleted. Vaccination is a fundamental strategy in assisting to decrease the risk of severe disease.¹

Accordingly, among the provisions regarding access to vaccination services, Section 2.050 (c)(2) of the Health Insurance Code, in its relevant part provides as follows:

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 persons receives the same from a participating provider:

(1)...

(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.

(...)

Therefore, we reiterate that all insurers or health services organizations insurers have the obligation to provide coverage for the influenza vaccine, free of copayment, deductible, or coinsurance costs for the insured or beneficiary. Payment for immunization services should take into consideration the use of separate rates for the services of administering the vaccine by a physician or qualified health professional and another for the kind of vaccine to be administered.

For updated information regarding the recommendations of the Advisory Committee on Immunization Practices (ACIP) you may access this webpage: <https://www.cdc.gov/vaccines/acip/recommendations.html>

¹ <https://www.cdc.gov/flu/fluview/coverage-2022estimates.htm>

Strict compliance with the provisions of this Ruling Letter is hereby required.

Very truly yours,

SIGNED

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Commissioner of Insurance