

AMENDMENT THIRTEEN TO THE
U.A. LOCAL 467 HEALTH AND WELFARE PLAN

Recitals

WHEREAS, the Board of Trustees of the U.A. Local 467 Health and Welfare Plan (“Plan”) wishes to amend the Plan to allow for coverage of recommended preventive services for all FDA-approved contraceptive methods;

WHEREAS, the Plan’s insured medical coverage such as through Kaiser already provides FDA-approved contraceptive methods to eligible participants and dependents but the Board of the Trustees now wishes to extend FDA-approved contraceptive methods under the Plan’s self-funded PPO medical option;

WHEREAS, although the Plan is a Grandfathered Plan under the Affordable Care Act and is not required to cover recommended preventive services pursuant to federal guidelines, the Board of Trustees believes adding contraceptive coverage would be in the best interest of its eligible participants and dependents;

WHEREAS, the Board of Trustees amends the Plan to cover all FDA-approved contraceptive methods, sterilization procedures, and patient education and counseling for all men and women with reproductive capacity as prescribed by a health care provider and as required by the Affordable Care Act and per the Department of Labor, Health and Human Services, and the Treasury’s jointly released FAQs regarding implementation of the Affordable Care Act, Parts 26 and 31 (<https://www.dol.gov/sites/dolgov/files/ebsa/about-ebsa/our-activities/resource-center/faqs/aca-part-xxvi.pdf>); and

THEREFORE, the Board of Trustees amends the Plan:

Amendment

Effective **September 1, 2019, new Subsection “18.” is added to Section J. of Article III. (FORMAL RULES FOR PAYMENT OF MEDICAL BENEFITS OF THE SELF-FUNDED PPO PLAN) of the Plan rules, as follows:**

J. SPECIFIC COVERAGE RULES...

18. Contraceptive Coverage. Effective September 1, 2019, coverage without cost-sharing of at least one form of contraception, as prescribed, in each of the methods (currently 18 methods) that the Food and Drug Administration (“FDA”) has identified for men and women in its current Birth Control Guide, including the clinical services, patient education and counseling, needed for provision of the contraceptive method will be covered under the Plan. FDA-approved contraceptive methods prescribed by a licensed physician include:

- Barrier methods, like diaphragms and sponges;
- Hormonal methods, like birth control pills and vaginal rings;
- Implanted Devices, like intrauterine devices (“IUDS”);

- Female and male condoms;
- Shot/Injection;
- Emergency contraception;
- Sterilization procedures; and
- Patient education and counseling.
- **For a full list of the current FDA approved methods, visit <https://www.fda.gov/consumers/free-publications-women/birth-control>.**

Reasonable Medical Management Techniques. Within each method, the Plan is permitted to use Reasonable Medical Management techniques to impose any cost-sharing on some items and services, to encourage individuals to use other specific items and services within the chosen contraceptive method. For example, the Plan may discourage use of brand name pharmacy items over generic pharmacy items or the use of one of the several FDA-approved intrauterine devices with progestin through the imposition of cost-sharing.

Exception Process. An exception will be made if an individual's health care provider has determined that a particular service or FDA-approved item, for which there is cost-sharing is medically necessary, then the Plan may accommodate the individual and waive the otherwise applicable cost-sharing for that service or item. When making the exception, the Plan or its delegates will make a determination of the claim according to the timeframe and nature of the claim per the Plan's claim procedure and will also consider the medical exigencies involved for a claim involving urgent care. Medical necessity may include considerations such as the severity of side effects, differences in permanence and reversibility of contraceptives, and ability to adhere to the appropriate use of the item or service, as determined by the attending licensed provider.

Approved:

Union Trustee

Employer Trustee

Mark Burri, Chair

Alex Hall, Co-Chair