In the wake of the Supreme Court’s decision in Dobbs v. Jackson Women’s Health Organization to overturn Roe v. Wade, consumers, providers and insurers alike have been left with many questions about how Dobbs impacts abortion services under health plans (click here to access our post on the Dobbs decision and its impact on group health plans). The Department of Health and Human Services (“HHS”) quickly moved to issue guidance with respect to access to and coverage of reproductive health care generally, and the HHS Office for Civil Rights also issued guidance with
In respect to patient privacy (see our recent [post](https://www.natlawreview.com/article/post-dobbs-government-agencies-seek-to-provide-guidance)).

The HHS Know Your Rights: Reproductive Health Care guidance (the “Guidance”) reminded the public that despite Dobbs, abortion remains legal in many states, and other reproductive health care services remain protected by law. Certainly, the Affordable Care Act (the “ACA”), and its provisions regarding preventive care, remains in full force and effect and generally includes various types of birth control/family planning methods in health plans with no out-of-pocket costs. Additionally, other preventive care services such as well-woman visits (e.g., pap smears); counseling/screening; breast and cervical care screening; prenatal care; interpersonal violence screening/counseling and HIV screening and STI counseling are generally covered services with no out-of-pocket costs.

The Guidance also provided information about medication abortion; Medicaid coverage for abortion in certain circumstances and helpful links about accessing abortion services, including information for those who do not have health insurance; information regarding filing complaints to HHS; emergency care and patient privacy.

Employers may wish to incorporate the new Guidance in their communications to employees about their group health plan benefits, and should also confirm that their group health plans comply with the applicable requirements. Employers should continue to monitor for additional guidance from governmental agencies on this issue.

©1994-2022 Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C. All Rights Reserved.

National Law Review, Volume XII, Number 188