



## Susan Nash Discusses Proposed OTC Contraception Regulations with Law360

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Winston & Strawn partner Susan Nash was quoted in a Law360 article discussing the Biden administration's proposal to require health insurers and group health plans to cover the cost of over-the-counter contraception with no cost-sharing. The U.S. Department of Labor, U.S. Department of Health and Human Services, and U.S. Department of the Treasury jointly unveiled proposed rules that would require health insurers and group health plans to cover the cost of OTC contraception items, including the no-prescription daily birth control pill, male condoms, and the morning-after pill.

One important takeaway from the proposal is that health plans and insurance issuers that use reasonable medical management techniques with respect to recommended preventive services would be required to have an exceptions process for individuals for whom a particular item or service would not be medically appropriate, as determined by their provider.

Interested in the medical management portion of the proposed rules, Susan highlighted how the proposal builds on previous guidance from the agency on medical management in the context of preventive services from 2022 and January 2024.

"The medical management discussion was interesting because, anecdotally, a lot of women have had barriers to obtaining free contraceptives under their medical plans, whether it's through medical management techniques or prior authorization, et cetera," she said.

Susan noted that the agencies' previous guidance had cited this difficulty and encouraged plans and issuers to look at how medical management techniques were affecting coverage of cost-free contraceptives.

"I think that there's a tension there between plans and issuers wanting to make sure that drugs are safe and effective, and that there's no fraud and abuse going on, but also that patients can get access to these medications for free under the law as required," she added.

[Read the full article.](#)

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Susan Nash