

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Health Policy

BILL: SB 1116

INTRODUCER: Senator Joyner

SUBJECT: Long-acting Reversible Contraception Pilot Program

DATE: January 20, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Lloyd	Stovall	HP	Pre-meeting
2.			AHS	
3.			FP	

I. Summary:

SB 1116 directs the Department of Health (department) to establish a long-acting reversible contraception (LARC) pilot program in Hillsborough, Palm Beach, and Pinellas counties. The department must contract with eligible family planning providers to deliver the services. A report on the effectiveness of the pilot program is due to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2018.

The bill appropriates \$75,000 in nonrecurring General Revenue for the 2016-2017 fiscal year and directs the funds be equally divided among the three pilot counties.

II. Present Situation:

Long-acting reversible contraception methods are the most effective forms of reversible birth control available with fewer than 1 in 100 women using a LARC method becoming pregnant, the same range as for sterilization.¹ LARC methods include the intrauterine device (IUD) and the birth control implant. Both methods last for several years, are reversible, and can be removed at any time.

The IUD is a small, T-shaped, plastic device that is inserted and left inside the uterus. There are two types of IUDS. The hormonal IUD releases progestin and is approved for up to 5 years and another is approved for up to 3 years. The copper IUD does not contain hormones and is approved for up to 10 years.²

¹ American College of Obstetricians and Gynecologists, *Frequently Asked Questions - Contraception (LARC)*, <http://www.acog.org/Patients/FAQs/Long-Acting-Reversible-Contraception-LARC-IUD-and-Implant> (last visited Jan. 12, 2016).

² Id.

The birth control implant is a single flexible rod about the size of a matchstick that is inserted in the upper arm under the skin and releases progestin. The implant lasts for 3 years.

Both the IUD and the implant are placed and removed by a health care provider. There are few side effects to either method and almost all women are eligible for an IUD or implant.³

In the United States, approximately 3 million pregnancies per year, 50 percent of all pregnancies, are unintended.⁴ Of those unintended pregnancies, half are from contraceptive failure and the other half are due to non-use of contraception.⁵ Adolescents especially use contraceptive methods with high failure rates, such as condoms, withdrawal, or oral contraceptive pills.⁶

In Florida, the unintended pregnancy rate was 58 per 1,000 women in 2010 for women aged 15 - 44 and the teen pregnancy rate was 50 per 1,000 women.⁷ The federal and state governments spent \$1.3 billion on unintended pregnancies in 2010, of which \$892.8 million (57 percent) was paid by the federal government and \$427.1 million was paid by the state.⁸

While being cost-effective over the long-term, the high up-front costs of the LARC methods may be a barrier to widespread use as the wholesale cost of an IUD or implant can be as high as \$850, plus the cost of insertion.⁹ In February 2015, the federal Food and Drug Administration approved a new IUD, Liletta, which was developed by a nonprofit and is made available by that non-profit to public clinics for just \$50.¹⁰

Most insurance plans under the Affordable Care Act and Medicaid cover contraception and the associated services with no out of pocket costs, those without insurance coverage may face a financial hurdle. The American College of Obstetricians and Gynecologists also recognized the high cost as a barrier to wide use of LARCs by adolescents in its *Committee on Adolescent Health Care Long-Acting Reversible Contraception Working Group Committee Opinion* document in 2014 along with lack of familiarity with or misconceptions about the methods, the lack of access, and health care providers' concerns about the safety of LARC use in adolescents (ages 9 - 11).¹¹

³ Brooke Winner, M.D., et al., *Effectiveness of Long-Acting Reversible Contraception*, N ENGL J MED 366; 21 (May 24, 2012), available at <http://www.nejm.org/doi/full/10.1056/NEJMoa1110855>

⁴ Brooke Winner, M.D., et al., *Effectiveness of Long-Acting Reversible Contraception*, N ENGL J MED 366; 21 (May 24, 2012), available at <http://www.nejm.org/doi/full/10.1056/NEJMoa1110855>

⁵ Id.

⁶ American College of Obstetricians and Gynecologists, *Committee Opinion: Adolescents and Long-Acting Reversible Contraception: Implants and Intrauterine Devices*, (October 2012), available at <http://www.acog.org/Resources-And-Publications/Committee-Opinions/Committee-on-Adolescent-Health-Care/Adolescents-and-Long-Acting-Reversible-Contraception>, (last visited Jan. 12, 2016).

⁷ Guttmacher Institute, *State Facts About Unintended Pregnancy: Florida* (2014), available at <http://www.guttmacher.org/statecenter/unintended-pregnancy/pdf/FL.pdf> (last visited Jan. 12, 2016).

⁸ Id.

⁹ Heather D. Boonstra, *Leveling the Playing Field: The Promise of Long-Acting Reversible Contraceptives for Adolescents*, Guttmacher Institute Policy Review, (2013) Vol. 16, p. 16, available at <https://www.guttmacher.org/pubs/gpr/16/4/gpr160413.html> (last visited Jan. 12, 2016).

¹⁰ Karen Weise, *Warren Buffet's Family Secretly Funded a Birth Control Revolution*, BLOOMBERG BUSINESS (July 30, 2015), <http://www.bloomberg.com/news/articles/2015-07-30/warren-buffett-s-family-secretly-funded-a-birth-control-revolution> (last visited Jan. 12, 2016).

¹¹ *Supra* note 6, at 2.

Overall, the Committee found LARC methods to be “top-tier contraceptives based on effectiveness, with pregnancy rates of less than 1 percent per year for perfect use and typical use. Adolescents are at high risk of unintended pregnancy and may benefit from increased access to LARC methods.”¹²

Current Family Planning Services

County Health Departments

The Department of Health (department) currently provides comprehensive family planning services, including providing LARC services, in all 67 Florida counties. Funding for these services is provided through a Title X federal grant, part of a Title V federal grant, and state general revenue. Funds are distributed to each county health department (CHD) by the department.

According to the department, more than 152,000 individuals received family planning services in 2014 with 71.3 percent of the clients having incomes at or below 150 percent of the federal poverty level.¹³ For a family of two, 150 percent of the federal poverty level is \$23,895.¹⁴ Of those served by the department for family planning services, 44.1 percent were covered by public insurance and 27.4 percent were uninsured.

Individuals, men and women, served under this program have access to FDA-approved birth control methods and supplies, abstinence counseling, pregnancy testing, physical examinations, screenings, and HIV counseling and testing.¹⁵ Services are provided on a sliding scale, based on family size and income with those under 100 percent of the federal poverty level, which is \$11,770 for 2015, paying no fees which is \$11,770 for 2015.

The majority of family planning services are delivered at CHD clinic sites. A small number of CHDs contract with outside providers for family planning services, including the three below.¹⁶

County Health Department	Numbers of Clinical Sites, including Contracted Sites
Hillsborough	11
Palm Beach	10
Pinellas	5

¹² *Supra* note 6, at 1.

¹³ Florida Department of Health, *Family Planning Fact Sheet*, <http://www.floridahealth.gov/programs-and-services/womens-health/family-planning/fp-facts.html> (last visited Jan. 12, 2016).

¹⁴ 2015 Federal Poverty Guidelines, available at <https://www.medicaid.gov/medicaid-chip-program-information/by-topics/eligibility/downloads/2015-federal-poverty-level-charts.pdf> (last visited Jan. 12, 2016).

¹⁵ Florida Department of Health, *Family Planning*, <http://www.floridahealth.gov/programs-and-services/womens-health/family-planning/index.html> (last visited Jan. 12, 2016).

¹⁶ Florida Department of Health, *Senate Bill 1116 Analysis*, p. 2 (Dec. 16, 2015) (on file with Senate Committee on Health Policy).

In State Fiscal Year 2014-2015, the CHDs provided services to 10,806 clients who were using a LARC method.¹⁷ Of those 10,806 clients seen by the CHDs, 5,451 of these clients were new users and received the LARC during State Fiscal Year 2014-2015.¹⁸ The table below illustrates the total number of services in the proposed pilot counties and statewide.

Long Acting Reversible Contraceptives (LARCs) Use by County, Florida Fiscal Year 2014-2015¹⁹									
	Age <15-19			Age 20-45+			Total		
County	# of Clients with LARCs	# of Clients	%	# of Clients with LARCs	# of Clients	%	Total # of Clients with LARCs	Total Clients	%
Hillsborough	52	493	10.55%	726	4,748	15.29%	778	5,241	14.84%
Palm Beach	38	1,529	2.49%	842	8,139	10.35%	880	9,668	9.10%
Pinellas	15	1,714	0.88%	242	7,749	3.12%	257	9,463	2.72%
Statewide	963	24,027	4.01%	9,843	118,205	8.33%	10,806	142,232	7.60%

The department’s Family Planning Program (FPP) has received level funding of approximately \$4.7 million in general revenue for contraceptives over the last 5 years.²⁰ These funds are allocated to the department’s Bureau of Statewide Pharmacy. Ordering higher cost contraceptives, such as LARCs is done through the FPP and paid for through funds that are separate and distinct from the finite general revenue funds.

The legislature designated a line item appropriation of \$300,000 in State Fiscal Year 2014-2015 for the purchase of LARCs.²¹ The department reports that this allocation was quickly spent by the 67 CHDs and no allocation was received in the subsequent fiscal year. The Maternal and Child Health Program at the department allocated Title V funds to the CHDs allowing them to choose from three Title V priorities, one being well woman, which would allow the CHDs to provide LARCs.²² The three proposed pilot programs did not request their Title V funding be used for this purpose.

¹⁷ Email from Bryan P. Wendel, Government Analyst II, Department of Health, to Jennifer Lloyd, Senate Committee on Health Policy (Jan. 13, 2016) (on file with Senate Committee on Health Policy).

¹⁸ Id.

¹⁹ Id.

²⁰ Id.

²¹ Chapter 2014-51, s. 3, line 525, Laws of Fla. (line item appropriation of \$300,000 for the purchase of long- acting reversible contraceptives with non-recurring general revenue funds, effective July 1, 2014).

²² *Supra* note 17.

Florida Medicaid Program

Family planning services are also covered under Medicaid for Medicaid enrollees of child-bearing age and include reimbursement for:

- New and established patient visits;
- Required laboratory tests;
- Selection of contraceptive method, provision of supplies;
- Post examination review;
- Counseling visits;
- Supply visits;
- HIV Counseling;
- Coverage for insertion and removal of IUD;
- Services associated with decision to use long-acting injectable or implantable contraceptives; and
- Pregnancy testing.²³

Family planning services for Medicaid eligibles are funded through Title XIX federal funds and state general revenue.

Family planning services are also provided through a family planning waiver (FPW) for women ages 14 through 55 losing Medicaid coverage at the end of their 60 days postpartum coverage and who have family income at or below 185 percent of the federal poverty level at the time of their annual redetermination or for women who have lost their Medicaid coverage. Enrollees must also not be otherwise eligible for Medicaid, Children's Health Insurance Program (CHIP), or other health insurance coverage with family planning services. Eligibility is limited to 2 years after losing Medicaid coverage and must be re-determined every 12 months.

The FPW was first implemented in 1998 and has been through several extension periods. The state received its most recent extension in December 2014, and was approved through December 31, 2017.²⁴

Covered services are limited to those services and supplies whose primary purpose is family planning. Those services under the FPW include:

- Approved methods of contraception;
- Sexually transmitted infection (STI)/sexually transmitted disease (STD) testing, Pap smears and pelvic exams;
- Approved sterilizations;
- Drugs, supplies, or devices related to women's health services; and

²³ Agency for Health Care Administration, *Practitioner Services Coverage and Limitations Handbook*, pp. 51-55, http://portal.flmmis.com/FLPublic/Portals/0/StaticContent/Public/HANDBOOKS/Practitioner%20Services%20Handbook_Adoption.pdf (last visited Jan. 12, 2016).

²⁴ Letter from Cindy Mann, Director, Department of Health and Human Services, Center for Medicare and Medicaid Services, to Justin Senior, Deputy Secretary for Medicaid, Agency for Health Care Administration (December 29, 2014) available at http://ahca.myflorida.com/medicaid/Family_Planning/pdf/FL_FPW_Extension_CMS_Approval_Ltr_12-29-14.pdf (last visited Jan. 12, 2016).

- Contraceptive management, patient education, and counseling.²⁵

The FPW does not cover emergency room visits, inpatient services, or any other non-family planning related services.

Family planning services and supplies are reimbursed at the 90 percent federal matching rate; the processing of claims is at the 50 percent administrative match.²⁶ In 2010, the total public expenditures for family planning client services was \$103.1 million which included \$66 million through Medicaid and \$11.5 million through Title X.²⁷

III. Effect of Proposed Changes:

SB 1116 creates s. 381.00515, F.S., and the long-acting reversible contraceptive (LARC) pilot program within the Department of Health (department). The pilot program is established in Hillsborough, Palm Beach, and Pinellas counties with the purpose of improving the provision of LARC services in those counties. The department shall contract with eligible family planning providers to implement the program and the contract for LARC services must include:

- Provision of intrauterine devices and implants;
- Training for providers and staff regarding LARC devices, counseling strategies, and the management of side effects;
- Technical assistance regarding issues such as coding, billing, pharmacy rules, and clinic management because of increased use of LARC services;
- General support to expand the capacity of family planning clinics; and
- Other services the department considers necessary to ensure the health and safety of LARC participants.

The bill also directs the department to seek federal grants and funds from other sources to supplement state funds.

By January 1, 2018, the department must submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the effectiveness of the pilot program. The report must also be published on the department's website. The report must include:

- An assessment of the pilot program, including any progress made in the reduction of unintended pregnancies and subsequent births, especially among teenagers;
- An assessment on the effectiveness of the pilot program in increasing the availability of LARC services;
- The number and location of family planning providers who participated in the pilot program;
- The number of clients served by family planning providers;
- The number of times LARC services were provided by participating family planning providers;

²⁵ Agency for Health Care Administration, Florida Medicaid Family Planning Waiver, *Three-Year Extension Request* (June 27, 2014), p. 23, available at http://ahca.myflorida.com/Medicaid/Family_Planning/pdf/FPW_Extension_Request_6-27-14_final.pdf (last visited Jan. 12, 2016).

²⁶ Id at 32.

²⁷ *Supra* note 7.

- The average cost per client served;
- The demographics of clients served;
- The sources and amounts of funding used;
- A description of federal grants the department applied for, including the outcomes;
- An analysis of the return on investment for the provision of LARC services, including tax dollars saved on health and social services;
- A description and analysis of marketing and outreach activities conducted to promote the availability of LARC services; and
- Recommendation for improving the pilot program.

For the 2016-2017 state fiscal year, \$75,000 in nonrecurring funds from the General Revenue Fund is appropriated to the department for the purpose of implementing this bill. The funds are to be distributed equally among the three counties and are not to supplant or reduce any other appropriation of state funds to family planning providers or to the department for family planning services.

The bill is effective July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

A reduction in unintended pregnancies in the pilot counties may have a fiscal and operational impact on the private sector by reducing costs and business interruptions related to unplanned pregnancies on private employers and taxpayers. The average birth in Medicaid cost \$14,930 in 2014.²⁸

²⁸ UF, Family Data Center, MED 145 Deliverable 2.3 Interim Report (Family Planning Waiver) (July 29, 2015), p. 17, http://ahca.myflorida.com/medicaid/Family_Planning/pdf/Final_Inteim_Report_July_29_2015.pdf (last visited Jan. 12, 2016).

The bill also anticipates marketing and outreach efforts to promote the availability of LARC services and private business may benefit from funds or other resources spent on such a campaign.

C. Government Sector Impact:

The department has estimated expenditures of \$233,955 for the 2016-2017 state fiscal year and \$235,809 for the 2017-2018 state fiscal year to implement SB 1116. The funds requested support 2 FTEs and the cost of a marketing campaign. The department has made the following request:

Department of Health Fiscal Note²⁹		
	SFY 2016-2017	SFY 2017-2018
1-Sr. Mgmt Analyst II <i>35% Fringe calculated</i>	\$62,614	\$62,614
1-Pharmacy Tech <i>35% Fringe calculated</i> <i>No Expense</i>	\$31,702	\$31,702
Expense - 1 FTE <i>Standard DOH</i> <i>Professional package</i> <i>1 docking station</i>	\$19,780 \$147	\$15,781
2 -Human Resources	\$712	\$712
Marketing Campaign	\$125,000	\$125,000
Department Total:	\$233,955	\$235,809

The Senior Management Analyst would be responsible for review and approval of applications, management of contracts, on-site observations and monitoring, program site reports, participation in implementation of the marketing and outreach plan and to provide information and technical assistance to the pilot program sites. This position will also be responsible for seeking out grants and preparing and posting the required report.

The state may also benefit from a reduction in costs if the pilot program results in fewer unintended pregnancies. Each Medicaid birth costs the state \$14,930 while the highest priced LARC may be \$800 - \$1,000.³⁰

VI. Technical Deficiencies:

None.

²⁹ *Supra* note 16, at 3-4.

³⁰ *Supra* note 28.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 381.00515 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
