

THE COMMONWEALTH OF MASSACHUSETTS OFFICE OF THE ATTORNEY GENERAL

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March 1, 2023

ICD-10-CM Coordination and Maintenance Committee
National Center for Health Statistics
Centers for Disease Control and Prevention
nchsicd10cm@cdc.gov

Re: New ICD-10 Code for Pre-Exposure Prophylaxis

Dear Committee Members:

The Attorneys General of the states of Massachusetts, California, Colorado, Connecticut, Delaware, the District of Columbia, Hawaii, Illinois, Maine, Maryland, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, Oregon, Pennsylvania, Rhode Island, Washington, Wisconsin, and Vermont write to express our support for a revision to the International Classification of Diseases, Tenth Revision (“ICD-10”) to include a new code for Pre-Exposure Prophylaxis (“PrEP”) for human immunodeficiency virus (“HIV”) prevention to reduce coding ambiguity and ensure that patients are not improperly charged copays for preventative services. The ICD-10 Coordination and Maintenance Committee (“Committee”) discussed the creation of a new code during its September 2022 Meeting on September 13-14, 2022. The undersigned states encourage the Committee to approve the proposal presented at the September 2022 Meeting.

Under the Affordable Care Act, preventative services, such as PrEP, should be covered at no cost to the patient. However, several states have received complaints from patients who have been charged copays for covered PrEP-related services in violation of the Affordable Care Act.¹ One patient in Massachusetts reported having been billed over eight hundred dollars for laboratory testing that was required for the patient to receive PrEP. Other patients reported smaller bills, but even a co-pay of fifteen dollars can deter patients with limited resources from seeking care. There may be dire results when a patient in need of PrEP cannot afford it: multiple patients reported that they tested positive for HIV after stopping PrEP treatment due to lack of affordability. The undersigned states have a strong interest in protecting access to PrEP for their residents to ensure their health and wellbeing.

Establishing an ICD-10 code for PrEP would create clarity. Currently, there is no specific ICD-10 diagnosis code for PrEP. Instead, providers have a range of less specific options

¹ FAQs About Affordable Care Act Implementation Part 47, <https://www.dol.gov/sites/dolgov/files/EBSA/about-ebsa/our-activities/resource-center/faqs/aca-part-47.pdf>.

available to them. As such, not only are insurers and providers unsure which code is most appropriate for PrEP, the codes do not apply to solely PrEP, making it difficult for providers to indicate that the service is preventative and covered without cost sharing. For example, a patient hoping to receive PrEP might be required to take a pregnancy test prior to prescription. Without an ICD-10 code to indicate the pregnancy test is for PrEP and is therefore preventative, there is no way to ensure the service is billed properly across providers and third-party vendors (such as laboratories) or covered consistently by insurers.

We urge the Committee to approve the proposed ICD-10 code for PrEP. This step is necessary to reduce coding ambiguity, to implement coverage of PrEP and PrEP-related services without cost to patients, and to ensure access to a lifesaving public health intervention.

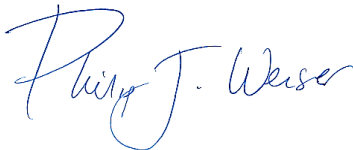
Sincerely,



ANDREA JOY CAMPBELL
Massachusetts Attorney General



ROB BONTA
California Attorney General



PHILIP J. WEISER
Colorado Attorney General



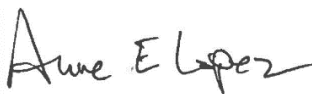
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KATHLEEN JENNINGS
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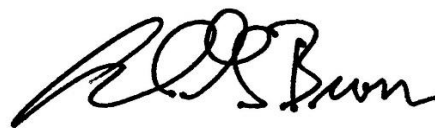
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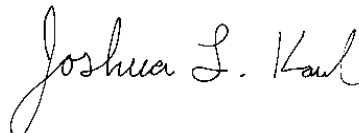
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