

THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108

ANDREA JOY CAMPBELL
ATTORNEY GENERAL

(617) 727-2200
www.mass.gov/ago

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.

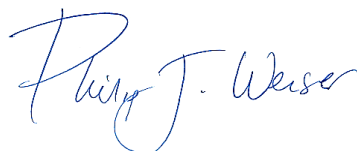
Sincerely,



ANDREA JOY CAMPBELL
Massachusetts Attorney General



ROB BONTA
California Attorney General



PHILIP J. WEISER
Colorado Attorney General



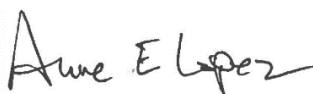
WILLIAM TONG
Connecticut Attorney General



KATHLEEN JENNINGS
Delaware Attorney General



BRIAN L. SCHWALB
District of Columbia Attorney General



ANNE E. LOPEZ
Hawaii Attorney General



KWAME RAOUL
Illinois Attorney General



AARON M. FREY
Maine Attorney General



ANTHONY G. BROWN
Maryland Attorney General



DANA NESSEL
Michigan Attorney General



KEITH ELLISON
Minnesota Attorney General



AARON D. FORD
Nevada Attorney General



MATTHEW J. PLATKIN
New Jersey Attorney General



RAUL TORREZ
New Mexico Attorney General



LETITIA JAMES
New York Attorney General



ELLEN F. ROSENBLUM
Oregon Attorney General



MICHELLE A. HENRY
Pennsylvania Acting Attorney General



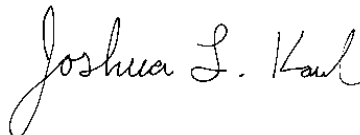
PETER NERONHA
Rhode Island Attorney General



CHARITY R. CLARK
Vermont Attorney General



BOB FERGUSON
Washington Attorney General



JOSHUA L. KAUL
Wisconsin Attorney General