

Document ID: AETAMA-093251	Title: Aetna Medicaid Administrator (AMA) 7100.37 Abortion Procedures Louisiana Policy	
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## PURPOSE

The purpose of this policy is to outline the health plan's process for prior authorization and coverage of abortion procedures. Determinations are to be made in accordance with the requirements of the Hyde Amendment found in LA.R>S. 40.1061.6 and Public Law 113-76, Division H, Title V, §506 and §507:.

## SCOPE

The scope of this policy applies to the Louisiana Prior Authorization staff and all colleagues processing Louisiana authorization requests for abortion procedures.

## POLICY

It is the policy of the Plan that specific state directives, in addition to MCG® criteria are used when processing authorization requests for abortion procedures. This policy defines additional Louisiana state qualifications and authorization and documentation requirements that must be met.

## STANDARD

The codes listed for abortion procedures do require authorization. The health plan confirms decisions and notifications associated with the utilization review of abortion procedures are compliant with the Louisiana Medicaid Program Manual, La. R.S. 40.1061.6 and Public Law 113-76, Division H, Title V, §506 and §507, the Hyde Amendment and must meet the requirements of the new 2020 Legislative bills for Abortion reflecting the overturn of Roe vs Wade Abortion legislation.

NOTE: All federal and state laws related to abortions must be adhered to<sup>1</sup>.

### Provider Responsibilities

- Providers must be on the state and Aetna Better Health of Louisiana registry to provide services.
- Abortions require prior authorization unless it is deemed an emergency service as defined in 42 CFR §438.114(a) in which no prior authorization will be required
- UM determinations for non-emergent elective abortions are made only if the

<sup>1</sup> 2025 Louisiana Medicaid Service Manual, Chapter 25 Hospital Services, Section 25.2, Page 12 of 93.

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requirements of the Hyde Amendment are met<sup>2</sup>

- UM approval decisions are documented in the appropriate business application system and with sufficient clinical in such a way that the documentation supporting the decision and rationale explains the decision reasoning
- Practitioner reviewers are utilizing the current documentation form and capturing all required data elements
- Practitioner reviewers are readily available and respond in a timely manner for UM case consultation (peer-to-peer)

### Criteria for Abortions

The use of public funds to provide induced abortion services must meet applicable state and federal laws, including the requirements of the Hyde Amendment (currently found in La. R.S. 40.1061.6 and the Consolidated Appropriations Act, 2014, Public Law 113-76, Division H, Title V, §506 and §507).

Aetna Better Health’s coverage of induced abortion is restricted to those that meet the following criteria:

- A physician has found, and so certifies, based on his/her professional judgment, the life of the pregnant woman would be endangered if the fetus was carried to term.
  - The certification statement, which must contain the name and address of the enrollee, must be attached to the claim form. The diagnosis or medical condition which makes the pregnancy life endangering must be specified on the claim.

OR

• In the case of terminating a pregnancy due to rape or incest the following requirements must be met:

- The enrollee shall report the act of rape or incest to a law enforcement official unless the treating physician certifies in writing that in the physician’s professional opinion, the victim was too physically or psychologically incapacitated to report the rape or incest.
- The report of the act of rape or incest to a law enforcement official or the treating physician’s statement that the victim was too physically or psychologically incapacitated to report the rape or incest must be submitted to Aetna Better Health along with the treating physician’s claim for reimbursement for performing an abortion.
- The enrollee shall certify that the pregnancy is the result of rape or incest, and this certification shall be witnessed by the treating physician.
- The “Office of Public Health Certification of Informed Consent Abortion” form shall be witnessed by the treating physician.

<sup>2</sup> La. R.S. 40.1061.6 and the Consolidated Appropriations Act, 2014, Public Law 113-76, Division H, Title V, §506 and §507).

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- The Certification of Informed Consent – Abortion, may be obtained from the Louisiana Office of Public Health via the request form or by calling (504) 568-5330, will be witnessed by the treating physician. Providers will attach a copy of the Certification of Informed Consent- Abortion to their claim form.
- Threatened, Spontaneous and Missed Abortions must be coded with the appropriate diagnosis code for consideration and the operative report and statement of medical necessity must be attached to the claim.<sup>3</sup>
- Dilation and Curettage<sup>4</sup> surgeries for incomplete or missed abortion will require a sonogram report showing no fetal heart tones, a history showing passage of fetus at home, in the ambulance, or in the ER, written sonogram results with operative report, pathology report showing degeneration products of conception, an operative report showing products of conception in the vagina, and history to be submitted with the claims. A physician statement must document that this procedure was not an abortion or pregnancy termination.
- Ectopic Pregnancy<sup>5</sup> surgery may be covered with submission of the operative report and appropriate procedure codes that denotes the termination of an ectopic pregnancy.
- Molar Pregnancy<sup>6</sup> terminations are covered if the appropriate procedure codes for molar pregnancy is used.

Abortion shall not mean any one or more of the following acts, if performed by a physician<sup>7</sup>:

1. A medical procedure performed with the intention to save the life or preserve the health of an unborn child.
2. The removal of a dead unborn child or the inducement or delivery of the uterine contents in case of a positive diagnosis, certified in writing in the woman's medical record along with the results of an obstetric ultrasound test, that the pregnancy has ended or is in the unavoidable and untreatable process of ending due to spontaneous miscarriage, also known in medical terminology as spontaneous abortion, missed abortion, inevitable abortion, incomplete abortion, or septic abortion.
3. The removal of an ectopic pregnancy.
4. The use of methotrexate to treat an ectopic pregnancy.
5. The performance of a medical procedure necessary in good faith medical judgment or reasonable medical judgment to prevent the death or substantial risk of death to the pregnant woman due to a physical condition, or to prevent the serious, permanent impairment of a life-sustaining organ of a pregnant woman. However, the physician

<sup>3</sup> 2025 Louisiana Medicaid Provider Manual Chapter 25 Hospital Services, Section 25.2 page 14 of 93.

<sup>4</sup> 2025 Louisiana Medicaid Provider Manual Chapter 25 Hospital Services, Section 25.2 page 15 of 93

<sup>5</sup> 2025 Louisiana Medicaid Provider Manual Chapter 25 Hospital Services, Section 25.2 page 15 of 93

<sup>6</sup> 2025 Louisiana Medicaid Provider Manual Chapter 25 Hospital Services, Section 25.2 page 15 of 93

<sup>7</sup> 2025 Louisiana Department of Health, What is Abortion, **R.S: 14: §87.1,**

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- shall make reasonable medical efforts under the circumstances to preserve both the life of the mother and the life of her unborn child in a manner consistent with reasonable medical practice.
6. The removal of an unborn child who is deemed to be medically futile. The diagnosis shall be a medical judgment certified by two qualified physicians and recorded in the woman's medical record. The medical procedure shall be performed in a licensed ambulatory surgical center or hospital. Upon the completion of the procedure, the physician shall submit an individual abortion report consistent with R.S. 40:1061.21 that includes appropriate evidence of the certified diagnosis.

### APPLICABLE CPT CODES

This policy applies the additional definitions, qualifications, criteria and documentation requirements to the procedure codes listed below. Listing of a code in this policy does not imply that the service described by the code is a covered or non-covered health service. Benefit coverage for health services is determined by federal, state, or contractual requirements and applicable laws that may require coverage for a specific service. The inclusion of a code does not imply any right to reimbursement or guarantee claim payment. Other Policies and Guidelines may apply.

<u>HCPCS</u>	<u>Description</u>
<u>59812</u>	<u>Treatment of incomplete abortion , any trimester, completed surgically for removal of incomplete spontaneous abortion.</u>
<u>59820</u>	<u>Surgical treatment of a missed abortion in the first trimester.</u>
<u>59821</u>	<u>Surgical treatment of a missed abortion in the second trimester</u>
<u>59840</u>	<u>Induced abortion by dilation and curettage</u>

### DEFINITIONS:

Hyde Amendment – A federal amendment that prohibits using federal funds for abortion coverage for people enrolled in Medicaid, except to save the life of the mother or if the pregnancy arises from rape or incest.

MCG ® - A set of nationally standardized criteria used to make medical necessity determinations for authorization requests.

Aetna - The subsidiaries of Aetna Inc. that provide traditional and consumer-directed health insurance products and related services.

- a. Aetna is the brand name used for products and services provided by one or more of the Aetna group of companies. (Aetna) means: "Aetna" is the brand name used for products and services provided by one or more of the Aetna group of affiliate

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companies. The Aetna companies that offer, underwrite or administer benefit coverage include Aetna Health Inc., Aetna Health of California Inc., Aetna Health of Iowa Inc., Aetna Better Health of Louisiana, Aetna Health of Michigan Inc., Aetna Health of Ohio Inc., Aetna Health of Utah Inc., Aetna Life Insurance Company, Aetna Health Insurance Company of New York, Aetna Health Insurance Company, Coventry Health Plan of Florida, Inc., Coventry Health Care plans, Coventry Health and Life Insurance Company, Health America Pennsylvania, Inc., Health Assurance Pennsylvania, Inc., MH Net Specialty Services, LLC and Aetna Health Management, LLC, and may also include Aetna health plans offering Medicaid, CHIP, dual eligible or other state- or federally-regulated health plans that are administered by Aetna Medicaid Administrators LLC or its affiliates. CVS Health Solutions LLC may also administer benefit coverage for the above companies.

#### CMS - U.S. Centers for Medicare & Medicaid Services

Aetna Medicaid Medical Chief Medical Officer - A full-time physician who is board certified with an active unencumbered license through the Louisiana State Board of Medical Examiners and who serves as the lead for the health plan's MM unit.

Practitioner Reviewer - A physician or dentist who conducts utilization review on behalf of the health plan. The reviewer can be either employed by the health plan or contracted by the health plan to perform utilization review. This does not include individuals who are employed or contracted by entities to which a health plan has delegated utilization management decision-making.

Emergency Services - Covered inpatient and outpatient services that are as follows: (a) furnished by a provider that is qualified to furnish these services under Title 42 of the Code of Federal Regulations and Title XIX of the Social Security Act; and (b) needed to evaluate or stabilize an Emergency Medical Condition.

#### Aetna Better Health of Louisiana

#### References/Resources

- 2023 Louisiana Medicaid Managed Care Organization Attachment A Model Contract
- 2023 Louisiana Medicaid Managed Care Organization (MCO) Manual, Part 4: Services
- Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2014, Public Law 113-76, Division H, Title V, §506 and §507
- Louisiana Legislature La. R.S. 40.1061.6 and the Consolidated Appropriations Act, 2014, Public Law 113-76, Division H, Title V, §506 and §507).

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- Louisiana State Legislature Chapter 5: Health provisions: Abortion Section 1061 Human Life Protection Act (<https://legis.la.gov/legis/Law.aspx?d=97020>)
- 2022 Louisiana Act 545 Application of Abortion statutes ([https://ldh.la.gov/assets/hss/LegActs/2022/SB-342-Act-545\\_Application-of-Abortion-statutes.pdf](https://ldh.la.gov/assets/hss/LegActs/2022/SB-342-Act-545_Application-of-Abortion-statutes.pdf))
- 2022 Louisiana Bill SB342 Regular Session (<https://gov.louisiana.gov/assets/docs/2022session/CortezLtr20220618SigningStatementSB342.pdf>)
- 2025 Louisiana Medicaid Provider Manual, covered Services Chapter 25 Hospital Services Section 25.2-page 14-15 of 93