

December 22, 2014

The Honorable Sylvia Burwell
U.S. Department of Health and Human Services
200 Independence Ave, SW
Washington, DC 20201

Attention: CMS-9944-P

RE: HHS Notice of Benefit and Payment Parameters for 2016

Dear Secretary Burwell,

Thank you for being a champion of the Patient Protection and Affordable Care Act (ACA). We appreciate the work the Department of Health and Human Services has already done to implement this groundbreaking law. Millions of Americans now have access to affordable health insurance that is required to cover important services which were previously neglected by the individual market such as maternity care, mental health services, habilitative services, and prescription drugs.

We, the undersigned organizations, commend the Department for addressing important aspects of the Essential Health Benefits (EHB) in the proposed rule for the HHS Notice of Benefit and Payment Parameters. The rule proposes significant changes for prescription drug and habilitative services coverage – but the categories of EHB still need greater clarity. The proposed rule does not constitute a full review of EHB. Such a review is critical given that some states' current EHB do not fully account for the health care needs of diverse segments of the population including women, children, persons with disabilities, and other groups such as people with chronic conditions. We urge the Department to add to these changes by completing a comprehensive and transparent review.

As we have previously written to the Department, §1302 of the ACA requires the Department to periodically review and report to Congress on the status of the Essential Health Benefits (EHB).ⁱ Furthermore, in the preamble of the final rule for EHB, the Department stated that it was “currently reviewing all options for updating EHB in 2016 and anticipate releasing additional guidance in the future on enforcement of EHB requirements and updating EHB.”ⁱⁱ Based on these requirements, we expect that the Department will still be completing a full review of the EHB.

The undersigned organizations urge the Department to begin a full review of EHB and the process for setting EHB. The review should be transparent and comprehensive, and must include advocates and stakeholders who can assist the Department in understanding whether the current approach to EHB meets the needs of consumers. The changes to EHB included in the proposed rule are an important start to reviewing and strengthening EHB, but significant gaps remain and there is a continued need for a comprehensive review. Many of the undersigned groups will be submitting separate comments, which highlight specific areas where gaps remain and that would benefit from greater clarity on the requirements of EHB.

Thank you for this opportunity to comment on this important provision of the Affordable Care Act. We look forward to working with the Department to implement a comprehensive review of EHB.

Sincerely,

AIDS Foundation of Chicago
American Association on Health and Disability
American Congress of Obstetricians and Gynecologists
American Diabetes Association
American Lung Association
American Nurses Association
American Psychological Association Practice Organization
American Society for Reproductive Medicine
Anxiety and Depression Association of America
Association for Ambulatory Behavioral Healthcare
Autism Speaks
Colorado Consumer Health Initiative
Community Catalyst
Families USA
Georgetown University Center for Children and Families
HIV Medicine Association
Maryland Women's Coalition for Health Care Reform
National Alliance for State and Territorial AIDS Directors
National Alliance on Mental Illness
National Association of Pediatric Nurse Practitioners
National Center for Transgender Equality
National Family Planning & Reproductive Health Association
National Health Law Program
National Multiple Sclerosis Society
National Women's Health Network
National Women's Law Center
Raising Women's Voices for the Health Care We Need
The AIDS Institute
The National Partnership for Women & Families
Treatment Access Expansion Project
United Cerebral Palsy

ⁱ Patient Protection and Affordable Care Act § 1302 (b)(4)(G), codified at 42 U.S.C. 18022(b)(4)(G) (2012).

ⁱⁱ 45 CFR Parts 147, 155, and 156: Patient Protection and Affordable Care Act; Standards Related to Essential Health Benefits, Actuarial Value, and Accreditation; Final Rule (February 25, 2013).