



July 5, 2012

The Honorable Kathleen Sebelius  
 Secretary  
 U.S. Department of Health and Human Services  
 Hubert H. Humphrey Building  
 200 Independence Ave., SW – Room 120F  
 Washington, DC 20201

Re: CMS-9965-P and CMS-1032

Dear Secretary Sebelius:

The undersigned groups appreciate the opportunity to comment on CMS-9965-P, the notice of Data Collection to Support Standards Related to Essential Health Benefits. These comments will specifically address Appendix G of the Paperwork Reduction Act Appendix (CMS-1032). Many of our groups may have submitted separate comments with more details or addressing other important issues. However, as organizations leading the fight against tobacco in the U.S., the undersigned groups want to call your attention to the importance of collecting data on tobacco cessation treatment coverage in the Department of Health and Human Service’s (HHS) implementation of the Essential Health Benefit (EHB).

As you well know, tobacco use is the leading cause of preventable death in this country, responsible for more than 400,000 deaths each year. It also costs the U.S. \$193 billion annually in healthcare costs and lost productivity. Unfortunately, many Americans do not have access to the help they need to quit tobacco, including all seven medications recommended for tobacco cessation (including over-the-counter and prescription medications) and individual, group and phone counseling. This is a serious problem in the U.S., and HHS has taken several steps towards solving it. However, we know that a crucial element of implementing such policies is tracking the results.

This proposed data collection has the potential to provide crucial data on how the Affordable Care Act and EHB is improving access to life saving tobacco cessation treatment for more Americans. Our organizations respectfully request that HHS take steps to ensure that the benefits from comprehensive tobacco cessation coverage can be recognized and understood:

- **Collect benefit data on tobacco cessation programs:** Add “tobacco cessation programs” to the list of Health Benefit Data Elements in Appendix G, or ensure that this information is collected as part of “Preventive Care/Screening/Immunization” (Health Benefit Data Element

39). It is important to track coverage of individual, group and phone counseling, with all qualified or contract programs.

- **Collect benefit data on over-the-counter drugs:** Add “over-the-counter drugs” to the list of Health Benefit Data Elements in Appendix G. Many insurance plans cover over-the-counter drugs through formularies, as a separate list of covered over-the-counter drugs, or through pre-arranged programs (like tobacco cessation programs). This is important coverage and must be tracked.
- **Make these data publically available:** Make the data collected under Appendix G publically available. It is critical that policymakers, advocates and their constituents are able to use these data to comprehensively evaluate benchmark plan options, and to effectively enforce the EHB provisions. These data are also important to consumers who will be choosing among health insurance plans in exchanges.

Thank you for your attention to this matter. Our organizations look forward to continuing to work with HHS on the implementation of the Essential Health Benefit.

Sincerely,

American Association for Respiratory Care  
American Association on Health and Disability  
American Cancer Society Cancer Action Network  
American College of Preventive Medicine  
American Lung Association  
American Psychological Association  
Association of Women's Health, Obstetric and Neonatal Nurses  
Boston Public Health Commission  
Campaign for Tobacco-Free Kids  
ClearWay Minnesota<sup>SM</sup>  
Kentucky Voices for Health  
Legacy for Health  
North American Quitline Consortium  
Oncology Nursing Society  
Partnership for Prevention  
Society for Public Health Education  
UW-CTRI (University of Wisconsin Center for Tobacco Research and Intervention)

Cc: Marilyn Tavenner, Acting Administrator and Chief Operating Officer, Centers for Medicare and Medicaid Services  
Steve Larsen, Deputy Administrator and Director, Center for Consumer Information and Insurance Oversight