

HIV Health Care Access Working Group

HIV Prevention Action Coalition

September 17, 2010

Office of Consumer Information and Insurance Oversight
Department of Health and Human Services
Attention: OCIO-9992-IFC
P.O. Box 8016
Baltimore, MD 21244-1850

RE: Interim Final Rules for Group Health Plans and Health Insurance Issuers Relating to Coverage of Preventive Services Under the Patient Protection and Affordable Care Act, 75 Federal Register 137 (July 19, 2010)

To Whom It May Concern:

On behalf of HIV Health Care Access Working Group, its HIV Testing Reimbursement Subcommittee, and the HIV Prevention Action Coalition of the Federal AIDS Policy Partnership, the undersigned organizations are pleased to comment on the above-referenced interim final rule. We are in strong support of expanding coverage for preventive services by group health plans and private insurers as outlined in the Interim Final Rule, and look forward to their implementation. We agree that there are great benefits to the individual and society in coverage of preventive services and the benefits far outweigh the costs. In fact, prevention will result in cost savings.

The Patient Protection and Affordable Care Act (the Affordable Care Act) added Section 2713 of the Public Health Service Act which requires group health plans and health insurance issuers to provide coverage and prohibit cost-sharing of evidence-based items or services that have a grade A or B by the United States Preventive Services Task Force (USPSTF). The interim final regulations are being published to implement this section of the law which will be effective September 23, 2010.

The law, and the interim final rule, also requires plans to cover routine immunizations for children, adolescents, and adults that have a recommendation from the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention, and for infants, children, and adolescents, evidence-informed preventive care and screenings provided for in the comprehensive guidelines supported by the Health Resources and Services Administration (HRSA).

Not included are additional preventive care and screenings for women supported by HRSA which the Department of HHS is developing and expects to issue no later than August 1, 2011.

We look forward to being involved in the development of those guidelines and specifically how they address HIV prevention and HIV testing for women.

The Recommended Preventive Services

Coverage of recommended preventive services, including certain screenings, immunizations, and counseling services, will help people currently living with HIV/AIDS who know their status from acquiring other infections. For those who are living with HIV and do not know their HIV status, it can help them learn of their infection and receive proper care and treatment and take the necessary steps to prevent the transmission to others.

While the number of recommended preventive services is limited at this time, it is our hope that they will greatly expand in the future as the USPSTF assigns a grade A or B to additional HIV preventive services, including routine HIV testing. Coverage currently would be limited to screening for HIV for adolescents and adults who are at an increased risk of HIV, pregnant women, and in high prevalence settings and clinics. The USPSTF has rated all of these as an “A”. However, the CDC recommends everyone aged 13 to 64 receiving services in a medical setting be offered routinely a voluntary HIV test.

President Obama recently released a National HIV/AIDS Strategy (NHAS) for the United States that recognizes 21 percent of people with HIV/AIDS are unaware of their HIV status. One of the principal goals of the Strategy is to increase by 2015 the number of people with HIV who know their serostatus from 79 percent to 90 percent. Insurance coverage of HIV screening for those populations included under the current USPSTF Grade A determination should greatly expand HIV testing and help increase the number of people who have HIV know their status. We must now work to ensure that it is vigorously implemented. However, we believe coverage of routine HIV testing would be optimal since it is difficult to determine who is exactly at risk for HIV.

There are a number of other preventive services that will be covered by insurers once this rule is implemented that can benefit people with HIV/AIDS. In particular, screening for Hepatitis B for pregnant women; counseling for Sexually Transmitted Infections for those who are at increased risk; and screenings for syphilis for those who are at an increased risk and for all pregnant women. Immunizations that will be covered include Hepatitis B for certain age groups and Hepatitis B and HPV for certain adults. While this list is currently limited, we envision in the future the list of covered services will be expanded.

As the rule notes, certain states already require coverage of specific preventive services and some insurance plans already cover preventive services, and this rule in no way will impact this existing coverage. The State of California, for example, requires private insurance plans to cover routine HIV testing, and we would not want this federal requirement to limit what California has decided by law to cover.

The undersigned organizations appreciate the opportunity to comment on the Interim Final Rule and look forward to its implementation. Should you have any questions, please contact Carl Schmid, The AIDS Institute, cschmid@theaidsinstitute.org.

Thank you very much.

The Steering Committee of the HIV Health Care Access Working Group, the Testing Reimbursement Subcommittee, and the HIV Prevention Action Coalition

AIDS Action | AIDS Action Baltimore | AIDS Alliance for Children, Youth & Families
AIDS Foundation of Chicago | The AIDS Institute | AIDS Project Los Angeles
AIDS Treatment Data Network | American Academy of HIV Medicine
Broward House – Ft. Lauderdale | Community Access National Network
Community HIV/AIDS Mobilization Project | Gay Men’s Health Crisis
Georgia AIDS Coalition | Harlem United | Health and Disability Advocates
HIV Law Project | HIV Medicine Association | HIVictorious, Inc. | Housing Works
Moveable Feast | National Alliance of State and Territorial AIDS Directors
National Association of People With AIDS | National Latino AIDS Action Network (NLAAN)
National Minority AIDS Council | The National Working Positive Coalition
Project Inform | San Francisco AIDS Foundation | Sexuality Information and Education Council of the U.S. (SIECUS) | South Carolina Campaign to End AIDS | Treatment Access Expansion Project | Treatment Action Group | VillageCare