PUBLIC SUBMISSION

Docket: IRS-2010-0017
Requirement for Group Health Plans and Health Insurance Issuers to Provide Coverage of Preventive Services under the Patient Protection and Affordable Care Act

Comment On: IRS-2010-0017-0002
Interim Final Rules for Group Health Plans and Health Insurance Issuers Relating to Coverage of Preventive Services; etc.

Document: IRS-2010-0017-0011
Comment on FR Doc # 2010-17242

Submitter Information

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General Comment

Please accept the attached comments regarding the Interim Final Rules for Group Health Plans and Health Insurance Issuers Relating to Coverage of Preventive Services (IRS-2010-0012-0002)
Thank you
Martha Saly

Attachments

IRS-2010-0017-0011.1: Comment on FR Doc # 2010-17242
September 17, 2010

Office of Consumer Information and Oversight
Department of Health and Human Services
Attn: OCIIO-9982-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"

Dear Mr. Mayhew:

Thank you for inviting input regarding the “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”. I am writing to bring several issues to your attention regarding the use of evidence-based guidelines for preventive services.

In Public Health Service (PHS) Act Section 2713, and in the interim final regulations, insurers are required to provide benefits for and prohibit patient cost-sharing of:

1) those preventive services that have in effect a rating of “A” or “B” by the United States Preventive Services Task Force (USPSTF);

2) those child, adolescent, or adult immunizations that have a recommendation from the Advisory Committee on Immunization Practices (ACIP) of the CDC; 3) those preventive services for infants, children, and adolescents provided for in the comprehensive guidelines of the Health Resources and Services Administration (HRSA); and

4) those preventive services for women that will be recommended by HRSA in 2011.

We commend the move towards evidence-based practices: the USPTSF has rated as “A” or “B” hepatitis screening for pregnant women and HIV testing of high risk adults. As a result, these services will be provided without patient cost-

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sharing, in some cases for the first time. Similarly, we commend the regulations’ support for Advisory Committee on Immunization Practices (ACIP) immunization guidelines, which include vaccination of at risk adults for hepatitis B. We also commend the proposed regulations for collecting information on risk factors and social, family, and medical history during the annual wellness visit.

We also commend your clarification that insurers may elect to cover those services that do not meet the threshold for provision without cost-sharing. However, we are concerned that the effect of this regulation will be that those preventive services not covered under PHS Act Section 2713 will be provided at a prohibitive cost or will be not covered at all.

There are several pertinent areas, including screening for viral hepatitis, in which the USPSTF has found insufficient evidence to recommend for or against a specific preventive service or has not given a preventive service an A or B ranking for the general population. In these areas, we would advocate that additional evidence-based guidelines, such as those developed by the CDC, be supported such that insurers are required to provide benefits and patient cost-sharing is prohibited.

Specific Examples

1) The USPSTF has rated as “D” the practice of screening the general population (not pregnant women) for hepatitis B virus (HBV). While we agree that screening the general population is not cost-effective, we advocate following CDC’s recommendation that foreign-born individuals from countries where chronic HBV is at least 2% endemic be screened for HBV, along with those with behavioral risk factors, such as men who have sex with men (MSM) and injection drug users (IDUs).

3) The USPSTF has rated as ‘D’ the practice of screening the general population (asymptomatic adults) who are not at increased risk for hepatitis C virus (HCV). We agree that screening the general population is not cost-effective. However, in 2012, CDC will likely update its screening guidelines to recommend one-time HCV screening for all adults born during 1945-1964, who have a higher prevalence of HCV than the general population and typically do not know they are infected. We would advocate the regulations allow for adopting these CDC guidelines in 2012.

5) The USPSTF has also found that there is insufficient evidence to recommend for or against routine screening for HCV in adults at high risk for infection. We would advocate following CDC’s recommendation that people at high risk for HCV be screened, including anyone who received a blood transfusion prior to 1992 and anyone who has ever injected illicit drugs, even if it was many years ago.

We are concerned that preventive services on which USPSTF recommendations do not address the needs of groups for which CDC recommends risk-based screening (e.g., HBV screening for at-risk adults other than pregnant women and HCV screening for at-risk adults), because they are not required to be covered without cost-sharing, will not be covered by public or private insurers at all or will be provided with copays that are cost-prohibitive. In contrast, USPSTF defers to the recommendations of the CDC and ACIP regarding adult immunizations.

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We therefore recommend adopting a similar policy, adding language to the regulations that
guidelines from the CDC, the national prevention agency, be included for STD, HIV and Viral
hepatitis screening in addition to the USPSTF guidelines when considering cost-sharing and
reimbursement to avoid conflicting screening recommendations. We know if federal reimbursement
policies do not align with CDC prevention recommendations, then the CDC guidelines will not be
followed unless other funds are identified to cover the recommended services.

Thank you very much for considering this input.

Sincerely yours,

Martha Saly
Director

Lorren Sandt
Chair

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