

Submitted electronically via www.regulations.gov

Donald Berwick, MD
Administrator
Centers for Medicare & Medicaid Services
Department of Health and Human Services
7500 Security Boulevard
Baltimore, MD 21244-1850

Re: Summary of Benefits and Coverage and Uniform Glossary—Templates, Instructions, and Related Materials Under the Public Health Service Act [CMS-9982-NC]

Dear Dr. Berwick:

The American Occupational Therapy Association (AOTA) is the national professional association representing the interests of more than 140,000 occupational therapists, students of occupational therapy, and therapy assistants. The practice of occupational therapy is science-driven, evidence-based, and enables people of all ages to live life to its fullest by promoting health and minimizing the functional effects of illness, injury, and disability. Occupational therapy practitioners and their patients are greatly impacted by the coverage and benefits descriptors used by group health plans and health insurance issuers, and AOTA appreciates the opportunity to provide comment on the Summary of Benefits and Coverage and Uniform Glossary—Templates, Instructions, and Related Materials Under the Public Health Service Act [CMS-9982-NC], which was published by the Departments of Health and Human Services, Labor, and the Treasury in the *Federal Register* on August 22, 2011 at 76 Fed. Reg. 52475.

AOTA Supports Adoption of the Proposed Uniform Glossary and Believes the Definitions Therein Should Inform Future Rulemaking on Essential Health Benefits

The Public Health Service Act (PHS) and Patient Protection and Affordable Care Act (ACA) together direct the Departments of Health and Human Services, Labor, and the Treasury to develop a summary of benefits and coverage (SBC) template (including instructions, sample language, and sample calculations) as well as a uniform glossary for use by individual and group health plans. PHS § 2715. In developing these materials, the Departments were mandated to consult with the National Association of Insurance Commissioners (NAIC). *Id.*

As part of this required consultation, the NAIC convened a Consumer Information (B) Subgroup, which drafted documents, held open meetings, and hosted public conference calls. AOTA, along with other stakeholders, filed formal comments in response to NAIC draft documents. Of particular concern to AOTA is the definitions of *habilitation services* and *rehabilitation services* found in the uniform glossary, and our comment to the NAIC recommending that definitions for these services be made consistent and explicitly list service types was ultimately adopted in part by the Subgroup.

This Notice of Proposed Rulemaking subsequently proposes to fully accept and adopt the NAIC's documents, including the SBC and uniform glossary. Accordingly, the proposed definitions of *habilitation services* and *rehabilitation services* read as follows:

Habilitation Services

Health care services that help a person keep, learn or improve skills and functioning for daily living. Examples include therapy for a child who isn't walking or talking at the expected age. These services may include physical and occupational therapy, speech-language pathology and other services for people with disabilities in a variety of inpatient and/or outpatient settings.

Uniform Glossary of Coverage and Medical Terms, Appendix E, 76 Fed. Reg. 52475, 52529 (August 22, 2011); NAIC Glossary of Health Insurance and Medical Terms: 2.

Rehabilitation Services

Health care services that help a person keep, get back or improve skills and functioning for daily living that have been lost or impaired because a person was sick, hurt or disabled. These services may include physical and occupational therapy, speech-language pathology and psychiatric rehabilitation services in a variety of inpatient and/or outpatient settings.

Fed. Reg. 52530; NAIC Glossary of Health Insurance and Medical Terms: 3.

AOTA supports the proposal to adopt these documents because we find that the definitions crafted during the open and transparent NAIC process are clear to consumers and that they provide an inclusive and accurate description of the services available. AOTA further believes that these definitions should inform and propel future rule-making and federal agency guidance regarding the essential health benefit (EHB) package under the ACA.

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AOTA looks forward to working with the Departments of Health and Human Services, Labor, and the Treasury throughout the health care reform implementation process and we request that careful consideration be given to these comments. Please contact AOTA at (301) 652-6611 x 2023 or jhitchon@aota.org with any questions that relate to occupational therapy, rehabilitation or habilitation services.

Respectfully submitted,



Jennifer Hitchon
Regulatory Counsel

cc: Department of Labor, Employee Benefits Security Administration [RIN 1210-AB52]
Department of the Treasury, Internal Revenue Service [REG-140038-10]