

October 21, 2011

Donald M. Berwick, MD, MPP
Administrator
Centers for Medicare and Medicaid Services
Department of Health and Human Services
Attention: CMS-9982-P, CMS-9982-NC

RE: Proposed Rule and Notice for Comment on Summary of Benefits and Coverage and Uniform Glossary [CMS-9982-P], [CMS-9982-NC]

Dear Administrator Berwick:

The American Music Therapy Association (AMTA) appreciates the opportunity to comment on the proposed rule and notice for comment regarding the disclosure of the summary of benefits and coverage and the uniform glossary to be made available to consumers within the new health insurance exchanges, as mandated by the Patient Protection and Affordable Care Act, amended by the Health Care and Education Reconciliation Act of 2010 (collectively known as the Affordable Care Act or “ACA”).

It is critical to providers of various therapeutic interventions that HHS appropriately define ACA’s essential health benefits category “rehabilitative and habilitative services.” Consumers need to be fully informed of the coverage levels and limitations and/or potential exclusions for these critical services prior to determining which health plan to purchase.

I. Support for Included Definitions

AMTA supports the adoption in the health insurance exchanges of consumer materials developed by the National Association of Insurance Commissioners (NAIC)’s in coordination with the Consumer Information (B) Subgroup, that address certain definitions of medical and insurance terms. For instance, it is important that consumers understand the definitions of medical terms such as “rehabilitation services” and “habilitation services” found in the proposed regulation.

Rehabilitation Services

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

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 music therapy,

physical and occupational therapy, speech language pathology and other services for people with disabilities in a variety of inpatient and/or outpatient settings.

We support the emphasis on *functioning* for daily living in the rehabilitation and habilitation definitions. These services help people with disabilities maintain their independence in the community and avoid secondary conditions by helping them improve, restore, maintain or prevent deterioration of their ability to function in daily life. It is also critical that consumers understand that rehabilitation and habilitation services encompass inpatient and outpatient care in a variety of settings, such as an inpatient rehabilitation hospitals, acute hospitals, skilled nursing facilities, long term care hospitals, home health agencies, private practices and other home and community-based settings.

II. Recommendations for Edits of Included Definitions

While we appreciate the focus on qualified professionals in the definition of “Provider,” we also note the absence of reference to federal standards.

Provider

A physician (M.D. – Medical Doctor or D.O. – Doctor of Osteopathic Medicine), health care professional or health care facility *licensed, certified or accredited as required by state law.*”

In all settings, high quality care should be provided by fully accredited programs and qualified professionals. Accreditation, licensure and certification are important mechanisms to measure quality and accountability of health care providers and the services and devices they provide. While licensure is traditionally regulated by the state, federal health care programs including the Veterans Administration and Medicare have federal accreditation standards. These standards should also be recognized in the definition, and we recommend that the definition be edited to read “...meeting state and federally recognized certification, licensing, accreditation, or other comparable requirements that apply to the professional discipline or facility.”

Thank you for your consideration of our views. Please refer any questions or concerns to the individuals listed below.

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