

January 19, 2012

The Honorable Kathleen Sebelius  
The U.S. Department of Health and Human Services  
200 Independence Avenue, S.W.  
Washington, D.C. 20201

**Re: Inclusion of Preventive Services in Medicaid Expansion Benchmarks and Basic Health Plans**

Dear Secretary Sebelius:

The undersigned organizations, representing millions of health care consumers, patients and providers, applaud the Administration's commitment to ensuring access to preventive health benefits as promised in the Patient Protection and Affordable Care Act (P. L. 111-148), known as the Affordable Care Act. We urge the Department to ensure individuals receiving coverage through the Medicaid expansion and Basic Health Plans have access to all preventive services that must be covered by group health plans and health insurance issuers. Specifically, we recommend that rules be issued requiring all plans which are subject to the Essential Health Benefit requirement—including Medicaid benchmark plans for the expansion population and Basic Health Plans—provide under the "preventive services" category all the services that must be provided by new group health plans and health insurance issuers pursuant to regulations and guidance implementing Section 2713 of the Affordable Care Act.

Millions of Americans have already received expanded access to preventive health services under the law—through group health plans, health insurance issuers and Medicare. Millions more Americans will be eligible for coverage through the Medicaid expansion and Basic Health Plans, and these Americans should be guaranteed the same access to preventive health care.

Section 1302 lists preventive services in one of the ten categories of essential health benefits. The preventive services covered by Section 2713— all services with an A or B rating from the United States Preventive Services Task Force, pediatric services recommended in the *Bright Futures* Guideline, Advisory Committee on Immunization Practice (ACIP)-recommended immunizations, and other preventive services required to be covered by guidelines including women's preventive services such as well-woman visits, breastfeeding support, domestic violence screening, and contraception—are undoubtedly essential services. These are services that are based in evidence, provide strong value, help patients take control of their health and will improve the health of the population.

The Affordable Care Act guarantees that all Americans will have a baseline of coverage that can never be denied. New plans offered in the individual and small group market, including

qualified health plans, will already have to comply with Section 2713. All preventive services covered under Section 2713 must be explicitly included in regulations implementing the essential health benefits so that this guarantee is not undermined as millions of Americans receiving healthcare through the Medicaid expansion and Basic Health Plans may be denied access to essential preventive services. Allowing these programs to fail to comply with this otherwise general coverage guarantee undermines a core tenet of the Affordable Care Act.

Including the preventive services covered by Section 2713 in the essential health benefits would ensure consistent coverage of preventive services in every state Medicaid benchmark plan and every Basic Health Plan. A 2009 report from the United States Government Accountability Office found that most states choose to cover some preventive services, but there is variance in what services are covered state by state. Among the findings was that 49 states covered cervical cancer screening for women aged 21-64, 43 states covered diabetes screening for adults with high blood pressure aged 21-64 and only 39 states covered a well-adult check up or health risk assessment for adults aged 21-64. The Kaiser Family Foundation/ George Washington University State Survey of Reproductive Health Services Under Medicaid found that, out of 44 states responding, only 15 covered individual lactation consultations and 31 covered rentals of lactation equipment.

Requiring the inclusion of these preventive services within essential health benefits fits the statutory requirements under the law. Section 1302 of the ACA requires the Secretary to ensure that the scope of the essential health benefits is equal to the scope of benefits provided under a typical employer plan. Since all non-grandfathered employer plans are required to offer Section 2713 preventive services with no cost sharing, the typical employer plan will have to be covering these services when the Medicaid expansion and basic health option begin in 2014. The Department of Health and Human Services own estimates show that by 2013, only an estimated 55% of plans offered by large firms and 34% of plans offered by small firms will remain grandfathered.

As you continue to take steps to implement the Affordable Care Act, we urge you to address the insufficient coverage currently sold in the individual and small group markets and ensure access to the physical, mental, and behavioral health care services that people need to get and stay as healthy and functional as possible. We look forward to working with you to improve the health and lives of all Americans and thank you for your consideration.

Sincerely,

American Association of University Women (AAUW)  
American Federation of State County and Municipal Employees  
American Heart Association  
American Lung Association  
American Medical Student Association (AMSA)

American Society for Reproductive Medicine  
Association of Reproductive Health Professionals (ARHP)  
California Hepatitis Alliance  
District of Columbia Breastfeeding Coalition  
Families USA  
First 5 LA  
Health Care for America Now  
HIV Law Project  
HIV Medicine Association  
Illinois Maternal and Child Health Coalition  
Jewish Women International  
March of Dimes  
NARAL Pro-Choice America  
National Asian Pacific American Women's Forum  
National Campaign to Prevent Teen and Unplanned Pregnancy  
National Council of La Raza (NCLR)  
National Family Planning and Reproductive Health Association  
National Nurses Center Consortium  
National Organization for Women  
National Partnership for Women & Families  
National Viral Hepatitis Roundtable  
National Women's Law Center  
Northwest Health Law Advocates  
Physicians for Reproductive Choice and Health  
Planned Parenthood Federation of America  
Religious Coalition for Reproductive Choice  
Reproductive Health Technologies Project  
Sexuality Information and Education Council of the U.S. (SIECUS)  
The AIDS Institute  
U.S. Positive Women's Network, a project of WORLD  
United States Breastfeeding Committee