

August 16, 2010

Mr. Jim Mayhew
Office of Consumer Information and Insurance Oversight
Department of Health and Human Services
P.O. Box 8016
Baltimore, MD 21244-1850

Re: Interim Final Rules for Group Health Plans and Health Insurance Coverage Relating to Status as a Grandfathered Health Plan under the Patient Protection and Affordable Care Act

Please Refer to OCIIO-9991-IFC

Dear Mr. Mayhew:

The Biotechnology Industry Organization (BIO) appreciates this opportunity to comment on the Department of Health and Human Services' interim rules related to group health plans and grandfathered status under the Patient Protection and Affordable Care Act (ACA).¹ BIO represents more than 1,200 biotechnology companies, academic institutions, state biotechnology centers and related organizations across the United States and in more than 30 other nations. BIO members are involved in the research and development of innovative healthcare, agricultural, industrial and environmental biotechnology products.

BIO represents an industry that is devoted to discovering new preventive tools and treatments and ensuring patient access to them. BIO membership includes both current and future vaccine developers and manufacturers who have worked closely with the public health and advocacy communities to support policies that help ensure access to innovative and life-saving vaccines for all individuals. Therefore, we continue to monitor those policies and rules that could both positively and negatively impact access to vaccinations and subsequently immunization rates.

BIO members understand the need for the architects of ACA to balance the objectives of preserving the ability of individuals to maintain their existing coverage, giving health plans appropriate time to make the extensive changes

¹ 75 Fed. Reg. 34538 (June 17, 2010).

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and improving the overall quality of healthcare. We note that plans which have grandfathered status are not required to disclose which provisions of ACA will and will not be covered for each specific plan. Given the overarching objectives of consumer awareness and empowered decision-making, we think it is important that health plans disclose to plan members which of the plan's insurance products cover preventive services, including recommended vaccinations, at first dollar.

The model language included in Section 147.140(a)(2)(ii) of the proposed interim rules does include language that helps inform beneficiaries that certain consumer benefits may not be included in their plan, but it does not help the consumer easily discern the specific provisions. To best understand the extent to which the consumer benefits from ACA, such as first dollar coverage for key preventive services, apply to their plan, beneficiaries must seek further information from either the health plan or their employee benefits department.

We recommend, as others have suggested, that each grandfathered health plan disclose which insurance products it offers cover preventive services and vaccines at first dollar. This would enable consumers to easily compare the benefits and also realize the important quality improvements afforded by the Act.

BIO members strongly support provisions that will help ensure access to proven preventive services, such as vaccinations. We look forward to future opportunities to work with the Department to maximize adoption of the preventive services and quality provisions of the Patient Protection and Affordable Care Act.

Conclusion

BIO appreciates the opportunity to comment on the Interim Final Rules for Group Health Plans and health Insurance Coverage Relating to Status as a Grandfathered Health Plan under the Patient protection and Affordable Care Act. We look forward to continuing to work with HHS to address these critical issues in the future. Please feel free to contact me at 202-962-6664 if you have any questions or if we can be of further assistance. Thank you for your attention to this very important matter.

With Sincerest Regards,



Phyllis A. Arthur
Managing Director,
Immunizations, Immunotherapeutics and Diagnostics

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Biotechnology Industry Organization