



THE AIDS INSTITUTE

August 19, 2010

Office of Consumer Information and Insurance Oversight
Department of Health and Human Services
Attention: OCIO-9994-IFC
P.O. Box 8016
Baltimore, MD 21244-1850

**RE: Patient Protection and Affordable Care Act; Requirements for Group Health Plans and Health Insurance Issuers Under the Patient Protection and Affordable Care Act Relating to Preexisting Condition Exclusions, Lifetime and Annual Limits, Rescissions, and Patient Protections; Final Rule and Proposed Rule
75 Federal Register 123 (June 28, 2010)**

To Whom It May Concern:

On behalf of The AIDS Institute, I am writing to express our strong support regarding the above-referenced rule. The AIDS Institute is a national nonprofit and nonpartisan organization, providing leadership in HIV/AIDS public policy research, advocacy, and education.

The Patient Protection and Affordable Care Act will greatly benefit people in the United States gain access to affordable and quality healthcare, including people living with HIV/AIDS (PLWHA). The law also provides numerous improvements to the private insurance market, including several important patient protections. The Patients' Bill of Rights outlined by the Rule includes many provisions that will directly benefit PLWHA, which will allow for greater and continued access to care. Until now, PLWHA have been highly discriminated against by private insurers and with the finalization of this Rule, those practices will come to an end.

Under the Patients' Bill of Rights, there will be no arbitrary rescission of coverage. Since no one can be removed from an insurance plan when they become sick, people will no longer have to live in fear of losing their insurance if they receive a diagnosis of HIV or AIDS. This will allow for greater access to care for those living with HIV/AIDS and help to reduce stigma.

People living with HIV/AIDS have traditionally been denied coverage from insurance due to pre-existing conditions. Under the Patients' Bill of Rights, insurance companies will be prohibited from denying coverage to children under the age of 19 due to pre-existing conditions. This will allow youth living with HIV/AIDS to have access to insurance for treatment and care. In 2014, this provision will expand to all private insurance beneficiaries. PLWHAs will be able

to seek private insurance without fear of discrimination. In the meantime, we hope private insurers will implement this provision on their own prior to 2014.

The Patients' Bill of Rights also prohibits the use of lifetime limits and it begins to phase out annual limits. Treating HIV/AIDS can be very costly and many PLWHA suffer from other co-infections or co-morbidities, which can further increase their costs of care and treatment. Under this regulation, PLWHA will be able to seek care and treatment without fears of hitting these limits and facing gaps in their care and treatment.

PLWHA will also benefit from other provisions in the Patients' Bill of Rights. People will be able to choose which primary care provider they would like to use in their participating plan's network. In addition, the Patients' Bill of Rights will prohibit higher costs when emergency services are sought out of network. This will ensure that everyone, including PLWHA, will not have to face a large financial burden if they need emergency services when not in their network.

The AIDS Institute believes the Patients' Bill of Rights will greatly improve the private health care system and correct some of the long standing discriminatory practices utilized by insurance companies, particularly against PLWHA. We strongly support these patient protections and look forward to their implementation.

Sincerely,

A handwritten signature in blue ink, appearing to read "Carl E. Schmid II".

Carl E. Schmid II
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