March 3, 2014

Re: Third Party Payments, Transparency, Pharmaceutical Coverage, and Cost of Medications in Qualified Health Plans

Dear Secretary Sebelius,

We, the undersigned organizations, write to urge the Administration to act swiftly to reduce insurance practices that are already severely impacting enrollment by people living with significant health needs, including chronic health conditions and disabilities, in Marketplace Qualified Health Plans (QHPs). Such practices, including refusing third-party premium assistance payments from government-sponsored programs, posting misleading or intentionally vague formularies on Marketplace websites, excluding essential medications from drug formularies, and imposing extremely high coinsurance, are discriminatory insurance practices that greatly impede access to health care.

These discriminatory trends are inconsistent with the intent of the Affordable Care Act. They undermine efforts to provide access to comprehensive coverage for nearly every American, regardless of health status or income.

We strongly urge the Administration to take the following actions:

• Require that QHPs accept third-party payment of premiums from government-supported programs, including the Ryan White/AIDS Drug Assistance Program (ADAP), on behalf of qualified low-income clients.

• Amend the EHB rule to prohibit coinsurance from exceeding 25% for specialty drugs\(^1\) (where no generic equivalent exists) that are widely accepted in treatment guidelines or best practices.

• Require all Marketplaces to ensure that QHPs provide complete and accurate formulary information in a standard format, including the actual out-of-pocket costs that will be imposed on enrollees.

• Amend the Essential Health Benefits (EHB) rule to require coverage of specialty drugs (where no generic alternative exists) that are widely accepted in treatment guidelines or best practices. For example, this would include coverage of all HIV antiretroviral drugs,\(^1\)

\(^1\) For purposes of these regulatory actions specialty drugs are defined as follows: Pharmaceutical products that are typically high in cost and have one or more of the following characteristics: injectable, infused, inhaled, or oral therapeutic agents, or products of biotechnology; complex drug therapy for a chronic or complex condition, and/or high potential for drug adverse effects; specialized patient training on the administration of the drug (including supplies and devices needed for administration) and coordination of care is required prior to drug therapy initiation and/or during therapy; unique patient compliance and safety monitoring requirements; or, unique requirements for handling, shipping, and storage.
including fixed-dose combinations and single tablet regimens, in accordance with HIV
treatment guidelines and best practices.

Thank you for your consideration of these recommendations. We appreciate the commitment the
Administration has shown to implementing the Affordable Care Act. Please contact Robert
Greenwald with Harvard Law School and the Treatment Access Expansion Project at
rgreenwa@law.harvard.edu or 617-390-2584 or Maura Calsyn, Director of Health Policy at the
Center for American Progress at mcalsyn@americanprogress.org or 202-481-8148 if you have
any questions or if we can be of assistance.

NATIONAL ORGANIZATIONS

ACRIA (AIDS Community Research Initiative of America)
ADAP Advocacy Association (aaa+)
African American Health Alliance (AAHA)
AIDS Arms
AIDS Healthcare Foundation
AIDS Treatment Activists Coalition
AIDS United
American Academy of HIV Medicine
Asian & Pacific Islander American Health Forum
Association of Nurses in AIDS Care
Center for American Progress
Center For Black Equity
Coalition for Whole Health
Communities Advocating Emergency AIDS Relief (CAEAR) Coalition
Community Access National Network (CANN)
Community Catalyst
Equality Federation
Fair Pricing Coalition
Families USA
Family Equality Council
Forward Together
GLMA: Health Professionals Advancing LGBT Equality
Global Advocacy for HIV Prevention
HealthHIV
HIV Dental Alliance
HIV Medicine Association
HIV Prevention Justice Alliance
Human Rights Campaign
International Foundation for Alternative Research in AIDS
JSI Research & Training Institute, Inc.
Latino Commission on AIDS
LBGT Physician Assistant Caucus of the American Academy of Physician Assistants, Inc
Lambda Legal
Legal Action Center
Metropolitan Community Churches
Ms. Foundation for Women
National AIDS Housing Coalition
National Alliance of State and Territorial AIDS Directors
National Awareness + Action Group (NationalAAG)
National Black Gay Men's Advocacy Coalition
National Center for Lesbian Rights
National Center for Transgender Equality
National Gay and Lesbian Task Force
National Health Care for the Homeless Council
National Health Law Program
National Latina Institute for Reproductive Health
National Minority AIDS Council
National Pediatric AIDS Network
National Women and AIDS Collective
National Women's Health Network
National Working Positive Coalition
One in Four Chronic Health
Positive Women's Network - USA
Poz Vets USA-Intl
Presbyterian Church (U.S.A.)
Project Inform
Racial and Ethnic Health Disparities Coalition (REHDC)
Ryan White Medical Providers Coalition
Sargent Shriver National Center on Poverty Law
Southern HIV/AIDS Strategy Initiative (SASI)
The Center for HIV Law & Policy
The Global Justice Institute
The Global Network of People Living with HIV, North America (GNP+NA)
The Trevor Project
Treatment Access Expansion Project
Treatment Action Group
Trust for America's Health
US People Living with HIV Caucus

REGIONAL AND LOCAL ORGANIZATIONS

Acadiana CARES
ACT UP Philadelphia
ADAP Educational Initiative
AIDS Action Baltimore
AID Atlanta, Inc.
AID Upstate
AIDS Action Coalition
AIDS Alabama
AIDS Assist
AIDS Community Research Consortium
AIDS Foundation of Chicago
AIDS Legal Assistance Project, Public Law Center
AIDS Legal Referral Panel
AIDS Project Los Angeles
AIDS Project of the East Bay
AIDS Resource Center of Wisconsin
AIDS Resource Center Ohio
AIDS Response Seacoast
AIDS Services Foundation Orange County
AIDS Services of Austin
AIDSNET
Alabama Arise
ALPHA Pittsburgh, Inc.
Amida Care
Aniz, Inc
Asian & Pacific Islander Wellness Center
Baylor College of Medicine
Bell Policy Center
Bill's Kitchen Inc.
Birmingham AIDS Outreach
Boulder County AIDS Project
California Communities United Institute
California Lesbian, Gay, Bisexual, and Transgender Health & Human Services Network
Callen-Lorde Community Health Center
Campaign for Better Health Care
Canticle Ministries, Inc.
Care Resource
CARES of Southwest Michigan
Cascade AIDS Project
Center for Innovation In Health and Human Services Inc.
CenterLink: The Community of LGBT Centers
CHAIN (Community HIV/Hepatitis Advocates of Iowa Network)
Chicago House and Social Service Agency
Christie's Place
Citizen's Council for Human Rights & Salaam Legal Network
Coleman Professional Services-Ryan White Program in OH
Colorado AIDS Project
Colorado Consumer Health Initiative
Colorado Organization for Latina Opportunity and Reproductive Rights (COLOR)
Colorado Organizations Responding to AIDS (CORA)
Community Information Center, Inc.
Community Medical Centers EIP
Community Servings
Comprehensive Care Clinic, Vanderbilt Health One Hundred Oaks
Cream City Foundation
CrescentCare, New Orleans
Delaware HIV Consortium
Desert AIDS Project
Doylestown PLWHA Support Group
East Bay Community Law Center, U.C. Berkeley School of Law
Empire State Pride Agenda
Equality Florida Institute, Inc.
Equality Iowa
Equality Kansas
Equality Louisiana
Equality Maryland
Equality Texas
Fair Wisconsin
Family and Medical Counseling Service, Inc.
Friends For Life
Gainesville Area AIDS Project
GMHC (Gay Men’s Health Crisis)
Georgia Equality
Georgia HIV Advocacy Network
Georgia Watch
Georgians for a Healthy Future
GLB Veterans of Greater New York
Harlem United
Hartford Commission on HIV/AIDS
Health Emergency Lifeline Programs
Heart of IL HIV/AIDS Center, University of IL College of Medicine
Heartland Alliance for Human Needs & Human Rights
HEROES
HIV ACCESS
HIV Law Project
HIV/AIDS Alliance for Region Two (HAART)
HIV/AIDS Alliance of Michigan
Housing Works
Howard Dental Center
InTown Counseling and Consulting
Iris House
Kentucky Equal Justice Center
L.A. Gay & Lesbian Center
Larkin Street Youth Services
Latinos in the Deep South
Legacy Community Health Services
Lesbian Health Initiative of Houston, Inc.
Lifelong AIDS Alliance
Loaves & Fishes Community Pantry
Loftech, LLC
Los Angeles County HIV Drug & Alcohol Task Force
Louisiana AIDS Advocacy Network (LAAN)
Louisiana Consumer Healthcare Coalition
Louisiana Latino Coalition for HIV/AIDS Awareness (LLHC)
Marin AIDS Project
Mary Amelia Women’s Center
Maryland Citizens' Health Initiative
Maryland Hepatitis Coalition
Maryland Women's Coalition for Health Care Reform
MeN In Health
Michigan Consumers for Healthcare (MCH)
Michigan League for Public Policy
MichUHCAN
Minnesota AIDS Project
Montana Gay Men's Task Force
Moveable Feast
My Fabulous Disease
Nashville CARES
Nashville Pharmacy Services, LLC
NC Harm Reduction Coalition
New Jersey Association on Correction
New Orleans Regional AIDS Planning Council
New Voices Pittsburgh
NJ Citizen Action
NO/AIDS Task Force
North Carolina AIDS Action Network
North Carolina Community Health Center Association
North Central Texas Planning Council
Ohio AIDS Coalition
Ohio Asian American Health coalition
Ohio Consumers for Health Coverage
Okaloosa AIDS Support & Informational Services, Inc.(OASIS)
One Colorado
Orange County HIV/AIDS Advocacy Team (OCHAAT)
Out Boulder
OutFront Minnesota
PeterCares House
Philadelphia Center N.W. Louisiana HIV / A.I.D.S. Resource Center
Positive Champions Speakers Bureau Inc.
Positive Health Clinic, Allegheny General Hospital
Positive Life Program--Palm Springs
Positive Mind and Body Support Group Network
Positive Women’s Network of Colorado (PWN CO)
Progressive Leadership Alliance of Nevada
Progressive Leadership Alliance of Nevada (PLAN)
PROMO
PWA Coalition
Rainbow Health Initiative
Ribbon Consulting Group
Rincon Family Services
RU12? Community Center
SAGE Metro St. Louis
Saint Louis Effort for AIDS
San Antonio AIDS Foundation
San Francisco AIDS Foundation
San Francisco Department of Public Health, City and County of San Francisco
San Francisco EMA HIV Health Services Planning Council
San Joaquin AIDS Foundation
SEIU Local 1
SisterLove, Inc.
SMART
Southern AIDS Coalition
START at Westminster, Westminster Presbyterian Church
Tarzana Treatment Centers
Test Positive Aware Network
Texas Children’s Hospital
Texas HIV/AIDS Coalition
The Center For Closing The Health Gap In Greater Cincinnati
The Empowerment Program
The GLBT Community Center of Colorado
The Living Affected Corporation
The People of Color Against AIDS Network
The SPOT
Thresholds
Trans Pride Initiative
Transgender Education Network of Texas
Transgender Law Center
Tulane University Medical Group CD4 Clinic
Tulsa CARES
Twin States Network
TX-CURE, Sec.
UHCAN Ohio
United Church of Christ HIV & AIDS Network (UCAN, Inc.)
United Church of Christ Justice and Witness Ministries
Unity Fellowship Church
Unity Wellness Center
University of Nebraska Medical Center
Ursuline Sisters HIV/AIDS Ministry
Valley Community Clinic
Virginia Organizations Responding to AIDS
Voices Of Community Activists & Leaders (VOCAL-NY)
Watereee AIDS Task Force
Wellness Services
West Alabama AIDS Outreach (WAAO)
Wisconsin Alliance for Women’s Health
WV FREE