

COMMITTEE ON WAYS AND MEANS

U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515

March 6, 2020

Seema Verma
Administrator
Centers for Medicare & Medicaid Services
Department of Health and Human Services
Room 445-G, Hubert H. Humphrey Building
200 Independence Ave., S.W.
Washington, DC 20201

Re: Coverage for Coronavirus (COVID-19) testing by non-ACA compliant plans

Dear Administrator Verma:

I am concerned about the respiratory virus COVID-19 and its potential spread in the United States. Many additional cases are expected to be identified as tests become more available and the true scope of the outbreak becomes clearer.¹ Health officials believe Americans will face more community spread of COVID-19, and the Centers for Disease Control and Prevention (CDC) has warned that the virus's spread is "inevitable."² As no vaccine currently exists, the breadth of COVID-19's spread and its impact are difficult to predict. Though about 80 percent of patients with the virus have a mild illness, about 14 percent develop severe pneumonia and about five percent develop critical illness requiring intensive care unit stays.³

As part of preventing the spread of COVID-19, health officials have urged Americans experiencing flu-like symptoms to seek care from a health professional, but out-of-pocket costs are a significant barrier to care. Though the CDC has recently updated its guidance on who qualifies as a person under investigation for coronavirus⁴ and has expanded the definition, access to testing has not expanded quickly enough. Health providers should be able to make the final decision on who should be tested. If tests are not available quickly, we will continue to be behind the virus's spread⁵. COVID-19 has likely been in circulation for several weeks in the

¹ <https://www.cdc.gov/coronavirus/2019-ncov/summary.html>

² <https://www.washingtonpost.com/us-policy/2020/02/25/cdc-coronavirus-inevitable/>

³ Characteristics of and Important Lessons From the Coronavirus Disease 2019 (COVID-19) Outbreak in China. *JAMA* (2020). Available at:

https://jamanetwork.com/journals/jama/fullarticle/2762130?guestAccessKey=bdcca6fa-a48c-4028-8406-7f3d04a3e932&utm_source=For_The_Media&utm_medium=referral&utm_campaign=ftm_links&utm_content=tf1&utm_term=022420

⁴ <https://www.cdc.gov/coronavirus/2019-ncov/hcp/clinical-criteria.html>

⁵ <https://www.cdc.gov/coronavirus/2019-ncov/lab/guidelines-clinical-specimens.html>

United States already, and the CDC's delays have left us dangerously behind the curve and unable to get ahead of this likely pandemic.

For individuals who have coverage under the non-ACA compliant plans, such as short-term limited duration insurance plans and health sharing ministries, non-government lab tests for COVID-19 and the services related to administering the COVID-19 diagnostic tests are not required to be covered and can cost patients thousands of dollars. High out-of-pocket costs, uncovered services, and large deductibles prevent consumers from seeking care. Unfortunately, the chance of having a test not covered or used against an individual seeking coverage for future treatment will likely interfere with preventing public health crises. Furthermore, the resultant treatment for coronavirus and related health problems may be excluded from coverage.

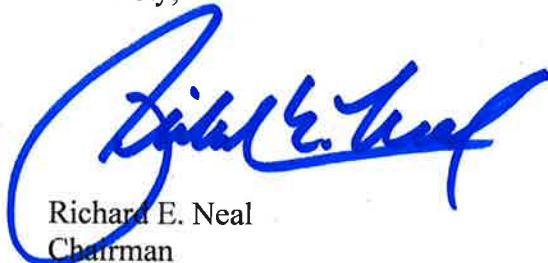
I have previously raised the issue of junk plans and my concerns that the Administration is pushing these inadequate insurance products on consumers. Now is not the time to undermine the ACA, especially when our nation's public health is at great risk.

To that end, we request the Centers for Medicare & Medicaid Services (CMS) respond to the following questions within 72 hours:

1. Has the COVID-19 taskforce of which you are a member discussed the issue of limited coverage for COVID-19 treatment and the implications of such limits on the spread of the virus?
2. Has the Administration issued, or does it plan to issue, guidance non-ACA compliant plans regarding coverage of testing and treatment of COVID-19?
3. Has the Administration issued, or does it plan to issue, guidance non-ACA compliant plans regarding coverage of the vaccine to ensure that vaccinations are available nationwide without cost barriers?
4. Will the Administration ensure that access to testing is widespread and guided by local clinical experts and practitioners? If yes, how?

Thank you for your immediate attention to this matter – the health of many Americans depends on a swift and effective response. Please contact Melanie Egorin of the Committee on Ways and Means at (202) 225-3625 if you have any questions about this inquiry.

Sincerely,



Richard E. Neal
Chairman

Committee on Ways and Means