

February 16, 2022

Dr. Ellen Montz
Deputy Administrator and Director
Centers for Consumer Information and Insurance and Oversight (CCIIO)
Centers for Medicare and Medicaid Services
Department of Health and Human Services
200 Independence Avenue, SW
Washington, D.C. 20201

**RE: Follow up to AHIP Comments on the 2023 Notice and Benefit Parameters
Regarding Gender Affirming Care**

Dear Director Montz:

We are writing to clarify AHIP's recommendations included in our recent comment letter on HHS' Notice of Benefit and Payment Parameters for 2023, as our comments were not as clear as we would like.

It has been our long-held view that every American deserves access to high-quality, affordable health care, regardless of race, color, national origin, sex, gender identity, sexual orientation, age, or disability. AHIP continues to support federal law protections that prohibit discrimination based on gender identity, sexual orientation, or pregnancy status.¹

While this overarching view was included in other portions of our comments, we did not explicitly reference it in the context of proposed changes to essential health benefits. As such, I am writing to emphasize that AHIP strongly supports ensuring that appropriate gender-affirming care is available and accessible to enrollees. We share HHS' commitment to ensuring benefit designs and coverage decisions reflect evidence-based guidelines and recommendations and do not restrict coverage related to gender identity.

In our comments, we raised concerns with HHS' proposed nondiscrimination framework and potential impacts on enforcement, cost, and interaction with state law. We want to be clear these concerns should not be interpreted as supporting limits or otherwise restricting access to appropriate gender-affirming care. Issuers use clinically-based evidence and guidelines from governing bodies such as the U.S. Preventive Services Task Force (USPSTF) to develop plan designs and make coverage decisions. As CMS finalizes the rule, we recommend the Department

¹ AHIP Applauds HHS Decision to Enforce Health Care Discrimination Prohibitions Based on Sexual Orientation, Gender Identity. May 11, 2021. <https://www.ahip.org/news/press-releases/ahip-applauds-hhs-decision-to-enforce-health-care-discrimination-prohibitions-based-on-sexual-orientation-gender-identity>

address these outstanding questions and provide clear parameters for implementing and enforcing this policy.

On the broader topic of health equity, we strongly agree with the importance of promoting health equity and are actively taking concrete steps to reduce health care disparities. AHIP has engaged our member health insurance providers and other stakeholders in an evidence-based and stakeholder-driven process to fill in resource gaps. We are working to develop demographic data standards on race, ethnicity, language preference, sexual orientation, gender, disability status, veteran status, and spirituality. These standards will enable health insurance providers to better monitor and reduce disparities and inform culturally appropriate care. We are also working to develop health equity measures for value-based care, a continuous learning curriculum on bias and anti-racism, and a “Champion/Ally” designation for providers who have expertise and are committed to respectfully serving different communities. We will continue this work with our member health insurance providers and other stakeholders to advance our shared goals of reducing health disparities for all.

AHIP and our member organizations are proud to work with other health care leaders to eliminate barriers that stand between Americans who identify as members of the LGBTQIA+ community and their better health. We will continue to work on new solutions for access, affordability, and excellence, and we appreciate the opportunity to clarify our recommendations and hope this informs CMS’s work to finalize the proposal this spring. Please be in touch with questions.

Respectfully,

A handwritten signature in cursive script that reads "Matthew Eyles".

Matthew Eyles
President & Chief Executive Officer