



July 10, 2020

The Honorable Mitch McConnell
Senate Majority Leader
United States Senate
Washington, D.C. 20510

The Honorable Charles Schumer
Senate Democratic Leader
United States Senate
Washington, D.C. 20510

The Honorable Nancy Pelosi
Speaker of the House
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Kevin McCarthy
Republican Leader
U.S. House of Representatives
Washington, D.C. 20515

Dear Leader McConnell, Speaker Pelosi, Leader Schumer, and Leader McCarthy:

Every American deserves the support they need to help them overcome the COVID-19 crisis. The steps Congress has taken have been essential to providing Americans with that support, and we thank you for your continued leadership in addressing these unprecedented times.

As thousands more Americans continue to be diagnosed with COVID-19 daily, they need more action to protect their health and financial security, both immediately and in the long term. The Department of Labor has recorded more than [44 million](#) unemployment insurance claims since the beginning of the crisis. Many individuals who buy coverage on their own are also struggling during these challenging times. And seniors – among those most vulnerable to the virus – must continue to have access to the essential testing and treatment they need.

Health insurance providers [continue to take decisive action](#) to help patients and curb the spread of the virus. In their service to the hundreds of millions of Americans they serve, the members of America's Health Insurance Plans (AHIP) and the Blue Cross Blue Shield Association (BCBSA) have taken several steps, from eliminating cost sharing to diagnose and treat COVID-19, to working with doctors and hospitals to get the equipment and support they need, to helping people keep their coverage, to working in partnership with public leaders and leveraging the capabilities of the free market to help America through these difficult times.

Through our engagement at the national, state, and community level, we know that Americans are anxious to maintain their health coverage, keep that coverage stable, ensure access to widespread and reliable testing, and ensure the resources needed to overcome COVID-19. That is why we recommend the following legislative actions – to help Americans and our communities, and to keep our nation strong.

Ensure Health Care Affordability for Employers and Hardworking Americans

To support the hardworking American families and businesses that continue to be severely impacted by COVID-19, we recommend that Congress:

- Support businesses in continuing to provide health coverage to their employees: Temporary subsidies or direct financial assistance for employers of all sizes will help American families keep their coverage and the vital protection it provides for their health and financial stability. This could include increasing the flexibility and utility of programs already enacted, like the Employee Retention Tax Credit and Main Street Lending Program.
- Provide temporary support to enable people who had employer-sponsored coverage to keep that coverage: For Americans who are terminated or furloughed and lose their employer-sponsored coverage, Congress should provide temporary, full federal subsidization of COBRA premiums.
- Make coverage less costly for those who buy coverage on their own: For Americans relying on the individual market exchanges, legislative steps can make premiums less costly. Congress could accomplish this by age-adjusting advanced premium tax credits or by enhancing subsidies available to those with incomes above 150% of the federal poverty level (FPL) and reducing the required contribution percentage and by expanding subsidies to include those with incomes up to 600% FPL. These actions will make premium assistance available to more Americans, further easing the transition for those who have recently lost employer-based coverage.

Ensure Access to Widespread Testing for COVID-19 with Federal Funding

Everyone should be able to get the COVID-19 testing they need, whether or not they have health coverage. That is why we need comprehensive strategies that incorporate testing to achieve occupational (i.e., workforce) and public health goals. We strongly support federal funding to account for the magnitude of tests that will be required to get the economy back on track, reduce the risk of transmission in different settings, and understand the progression of the disease.¹

Strengthen Support for Seniors and People with Disabilities

Medicare Advantage (MA) plans deliver comprehensive, affordable and valuable coverage to more than 24 million seniors and people with disabilities, and Part D plans provide valuable prescription coverage to over 45 million enrollees. To ensure greater stability in these important sources of coverage for Medicare enrollees, we recommend that Congress:

- Enact legislation that would count diagnoses from audio-only telehealth services for MA risk adjustment purposes for as long as it is needed. Not all enrollees have access to video technology (e.g., rural Americans without broadband internet access). It is critical that Congress fully recognize the significant and increasing number of Medicare enrollees and providers relying on telehealth services.

¹ A recent report conducted by Wakely Consulting Group estimates that diagnostic testing would cost between \$6 billion and \$25 billion a year, and antibody testing would cost between \$5 billion and \$19 billion a year.

- Take action to hold risk scores stable by carrying forward chronic condition diagnoses from 2018 and 2019 for the 2021 payment year. This would ensure encounters not captured in 2020 due to the pandemic do not disrupt the risk adjustment program.
- Modify the CARES Act ([H.R. 748](#)) to mitigate the risks of the uncertain timing and pricing of any new therapeutics for COVID-19 approved in 2021 by the Food and Drug Administration given that bids for the 2021 plan year were due to CMS by June 1.
- Calculate MA and Part D medical loss ratios (MLR) based on a three-year rolling average and address technical changes needed to smooth experience due to changes in utilization driven by COVID-19 that are outside of an MA plan's control and promote stability for beneficiaries and plans.

Bolster Support for States

Medicaid is a more important safety net than ever before, as millions more Americans are projected to rely on Medicaid for their coverage by the end of the year. To ensure that Medicaid enrollees continue to receive reliable access to quality care, we recommend that Congress:

- Provide for an increase in Federal Medical Assistance Percentage (FMAP) for the duration of the economic crisis, indexed to increases in a state's Medicaid enrollment, to ensure states have access to the funds needed to provide care to the increasing number of Americans relying on the Medicaid program during this time.²
- Enhance statutory protections to ensure states set actuarially sound rates to ensure delivery of promised care and other benefits for Medicaid enrollees.

Support Patient Access to a Safe, Effective and Affordable Vaccine

Vaccine development and distribution to prevent COVID-19 infections is of utmost importance. Health insurance providers will do their part covering the cost of a vaccine and encouraging immunization as quickly as possible. Given the federal government is financing much of the vaccine development, clinical trials and mass production, it is absolutely essential that drug manufacturers provide these vaccines at a price that is affordable and reflects the taxpayer investment.

It is also critical to put in place broad and equitable distribution strategies that prioritize distribution to those most in need, including front line workers, the elderly and other vulnerable populations. Congress should support a robust outreach and communication effort to help: (1) address barriers to immunization (e.g., dispel myths, address patient concerns) to support uptake when a COVID-19 vaccine is made available and (2) support proactive adherence efforts (e.g., encouraging annual influenza vaccination) to reduce burden on the healthcare system.

Delay Regulations to Free Up Capacity to Respond to the COVID-19 Crisis

As our country is challenged by the public health crisis, it is critical that we come together across the public sector and the free market to direct every possible resource to overcoming COVID-19. Delaying the implementation of regulations that would dramatically alter our health care system and redirect needed resources to patients is essential to our national COVID-19 response.

² Health Management Associates [predicts](#) that Medicaid enrollment could increase by 5 to 18 million individuals by the end of the year due to the impacts of COVID-19.

Specifically, delaying the implementation of the Medicaid Fiscal Accountability Regulation (MFAR)³ and the interoperability rule⁴ will allow our country and health care system to maintain and build the additional capacity required to effectively respond to the crisis caused by COVID-19. The MFAR rule as proposed poses a significant and immediate risk to the current mechanisms by which state Medicaid programs are funded. Given the demands on Medicaid caused by COVID-19, any diminution of the Medicaid financing could be catastrophic. The interoperability rules create significant implementation demands on health plan information technology (IT) resources. At the same time, these finite IT staff and resources continue to be fully deployed to respond to the COVID-19 crisis, including expanding telemedicine.

We strongly support ensuring people have real-time, personalized access to cost-sharing information—including getting estimates of cost-sharing liability for health care items and services. However, during this time of crisis, we are deeply concerned that legislation or regulation being considered would undermine competition, reduce affordability, push prices higher, and complicate the health care experience, in addition to diverting essential resources away from COVID-19 patients and their care.

Guarantee Stability in Health Care Benefits for Americans

Every American deserves affordable coverage and high-quality care. The adoption of each of these recommendations is critical to assuring that health insurance providers are able to deliver coverage that is reliable and high value in all markets. If these recommendations are not adopted, given the unprecedented uncertainty created by COVID-19, we strongly encourage Congress to implement targeted, market-specific policies designed to assure the stability of each unique health insurance market.

Again, thank you for your leadership in addressing the COVID-19 pandemic. Health insurance providers remain fully committed to working with you. Together, we can and will overcome the challenges posed by the COVID-19 crisis.

Sincerely,



President and Chief Executive Officer
America's Health Insurance Plans



President and Chief Executive Officer
Blue Cross Blue Shield Association

³ <https://www.federalregister.gov/documents/2019/11/18/2019-24763/medicaid-program-medicare-fiscal-accountability-regulation>

⁴ ONC interoperability rule is effective six months after publication, 11/2/20; the CMS interoperability rule is effective 1/1/21, but will not be enforced until 7/1/21.