

Employer Notification to HHS of its Objection to Providing Coverage for Contraceptive Services
(PRA Package: CMS-10535)

Appendix A - Summary of comments

1. Comment: Commenters made the following suggestions regarding the model notification:
 - Planned Parenthood and Reproductive Health Organizations recommended incorporating a checklist of the 20 birth control methods approved by the FDA, allowing organizations to clearly indicate which ones they object to.
 - America's Health Insurance Plans, Blue Cross Blue Shield Association suggested requesting issuer or third party administrator (TPA) account representative information on the form to ensure that the Departments are able to notify them.
 - America's Health Insurance Plans suggested including instructions such as which organizations are eligible to use the form and clarify which organizations are not required to seek the accommodation.
 - Planned Parenthood, America's Health Insurance Plans, Blue Cross Blue Shield Association suggested adding clear timelines by which an eligible employer must notify HHS of its intent to avail itself of the accommodation and to allow sufficient time for the Departments to inform the issuers and TPAs and, in turn, provide them with sufficient time to make alternate arrangements.
 - Blue Cross Blue Shield Association recommended that the Departments make the model notice mandatory for organizations that use the alternative process to ensure that all necessary information is provided.
 - America's Health Insurance Plans, Blue Cross Blue Shield Association suggested that the form make it clear that health insurance issuers and TPAs are permitted to offer only a standard contraceptive exclusion. The listing of a subset of contraceptive services on the form does not mean that that the health insurance issuer or TPA will offer such a customized exclusion.
 - Blue Cross Blue Shield Association suggested that providing information in the form or instructions regarding the process the Departments follow in situations where the organizations incorrectly identify the issuer or TPA.
 - America's Health Insurance Plans commented that it is unclear whether this form is intended to replace any communication between the eligible organization and the health insurance issuer on this subject. This form will not be sufficient to replace such communications, especially with regard to whether the health insurance issuer or TPA offers customized exclusions.

- America's Health Insurance Plans suggested not finalizing the form until the rule defining closely held for-profit entities is finalized.

Response: HHS is considering making revisions to the model notification to address these comments.

2. Comment: Planned Parenthood and Reproductive Health Organizations recommended that the Departments implement policies and procedures to ensure strict oversight and enforcement.

Response: This is outside the scope of this information collection request.

3. Comment: America's Health Insurance Plans suggested that the Departments use the same format as the model notice when providing information received through an alternate notice format. Blue Cross Blue Shield Association suggested that the Departments contact issuers and TPAs to verify that they are correctly identified in the forms.

Response: This is outside the scope of this information collection request.