



December 3, 2020

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

The Honorable Chuck 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 protection for their health and financial stability. That is why we come together now to urge bipartisan action for COVID-19 relief as you complete the final weeks of the 116th Congress.

Together, America's Health Insurance Plans (AHIP) and Blue Cross Blue Shield Association (BCBSA) represent health insurance providers that cover hundreds of millions of Americans – whether they receive coverage through an employer, Medicare Advantage, Medicaid managed care, or the individual market. We have seen first-hand how American families are struggling financially through the COVID-19 crisis. Health insurance providers [continue](#) to [invest](#) billions of dollars to help Americans get the COVID-19 testing and treatment they need, enable them to keep their health coverage, help their doctors and hospitals on the front lines, and provide access to an array of essential services to overcome social barriers and health inequities.

The current surge of coronavirus cases makes clear that, despite the important steps Congress has already taken, more needs to be done. COVID-19 continues to have devastating effects on every aspect of American life and put pressure on America's health care system and essential workers. The unemployment rate in the United States is twice as high as before the pandemic began.¹ New cases of COVID-19 are rising rapidly throughout the country just as non-COVID services have returned to pre-pandemic levels. Congress must act decisively, with targeted, timely and temporary solutions to help families, communities, and the economy can get back on track.

We recommend the following legislative actions to help overcome the challenges posed by the COVID-19 crisis.

¹ <https://www.bls.gov/news.release/pdf/empst.pdf>

Ensure Access to COVID-19 Testing

All Americans, whether they have health insurance or not, should be able to get the COVID-19 tests they need. Since the start of the pandemic, health insurance providers have proactively taken steps to ensure that patient cost-sharing is eliminated for COVID-19 diagnostic testing and treatment.

We supported actions that Congress took in the CARES Act ([H.R. 748](#)) to ensure that cost would not be a barrier to medically necessary COVID-19 testing. However, growing capacity issues and price gouging challenges continue to risk access to the tests that Americans need and deserve.² We recommend:

- Additional significant federal funding for screening (e.g., occupational health, schools, etc.), surveillance testing, and contact tracing to account for the magnitude of resources that will be required to control the spread of the virus.
- Ensuring state and local governments have adequate resources to meet public health testing capacity needs, including extending the time states are allowed to expend previously allocated but unspent testing funds beyond the December 30, 2020 deadline.
- Eliminating price gouging by setting a reasonable market-based pricing benchmark for tests administered out of network.
- Accelerating the availability of consumer-friendly, rapid, and accurate tests that lower costs and mitigate the capacity and supply constraints of providers and labs.

Promote Access to a Safe, Effective, and Affordable COVID-19 Vaccine

Ensuring access to safe, effective COVID-19 vaccines is a public health imperative. As COVID-19 vaccines near FDA authorization, health insurance providers are committed to working with public health officials and national, state, and local leaders to help promote access to the vaccines.

It is critical that Congress support a robust federal fund to provide the needed outreach and communication effort to build public trust, encourage Americans to take the vaccine, as well as a strategy to ensure an equitable distribution across the country. We support a transparent and effective infrastructure for equitable vaccine distribution, including a system for monitoring vaccine allocation, adverse events and post event surveillance, to achieve universal vaccination at an affordable price. To ensure success, we urge Congress to provide additional financial support for the Centers for Disease Control and Prevention, states and other jurisdictions to fund distribution efforts.

In addition, we implore Congress to ensure the vaccine is affordable after the doses purchased by the government are exhausted and the vaccine is delivered through traditional commercial channels.

² An AHIP October 2020 Survey found that out-of-network test providers charged significantly higher (more than \$185) prices for nearly half of diagnostic tests and a third of antibody and antigen tests—a 10% increase since July. Full results and methodology at: <https://www.ahip.org/wp-content/uploads/AHIP-COVID-Price-Gouging.pdf>

Improve Access and Affordability for Hardworking American Families

Between June and August, nearly 3 million Americans who were enrolled in commercial health insurance lost their coverage, mostly because of job loss. We estimate that about 1.5 million more Americans maintained their employer-provided coverage because of premium holidays provided by health insurance providers. Employers representing 1.6 million covered lives were unable to pay health insurance premiums, and 3.5% of employers (accounting for 300,000 covered lives) terminated their health insurance contracts.³

In short, Americans are in a health coverage crisis – one that is impacting hundreds of thousands of people and tens of thousands of businesses, and could grow over the coming months. This can only be fixed by Congress taking action to help protect Americans by:

- Providing temporary funding for the full cost of COBRA premiums for Americans who lose their job or are furloughed, to remove any barriers that help workers and their families stay on their employer-provided coverage.
- Making individual market coverage more affordable by enhancing subsidies available to those with incomes above 150% of the federal poverty level, expanding premium tax credit eligibility, and increasing tax credits for younger individuals.
- Increasing the flexibility and utility of programs like the Employee Retention Tax Credit and Main Street Lending Program to help employers keep their employees working and covered or provide other needed support for employers.

Provide Stability for Seniors and Individuals with Disabilities with Medicare Advantage and Part D

About 25 million seniors and individuals with disabilities – those most vulnerable to COVID-19 - rely on Medicare Advantage (MA) for their health care coverage. This represents over 40% of all Americans eligible for Medicare. About 48 million Americans receive drug coverage under Part D, with more than 22 million receiving their benefits through MA plans and more than 25 million through stand-alone Prescription Drug Plans.

To ensure stability in premiums and benefits and protect enrollees, we recommend that Congress take action by:

- Enacting the bipartisan *Ensuring Parity in MA for Audio-Only Telehealth Act* ([S.4840, H.R. 7659](#)) to count diagnoses from audio-only telehealth services for MA risk adjustment purposes and apply a 24-36 month look back period to ensure all chronic condition diagnoses are still reflected in the individual's risk score.
- Protecting the stability of the MA program by calculating MA and Part D medical loss ratios (MLR) based on a 3-year rolling average and address technical changes needed to smooth MA plan experience.
- Modifying the CARES Act to mitigate the risks under Part D of the uncertain timing and pricing of any new therapeutics for COVID-19 approved in 2021 by the FDA.

³ An October 2020 AHIP survey to all AHIP member health plans with enrollments in group market and individual markets. Survey received 22 responses from plans representing 76% of commercial enrollment of AHIP member plans.

Strengthen Medicaid As an Essential Safety Net

As the COVID-19 crisis results in hundreds of thousands of people losing their jobs, the number of Americans who rely on Medicaid has grown substantially. Medicaid enrollment and spending has [increased](#) dramatically over the last several months and is expected to grow. This comes at a time when states are experiencing extreme budget shortfalls. Given the magnitude of COVID-19 community spread, high unemployment rates, and increased Medicaid enrollment, state and local governments are in need of additional federal support to address the public health and economic crisis. COVID-19 has forced state and local leaders to make tough financial decisions as they experience budget shortfalls and simultaneously respond to the pandemic. To strengthen Medicaid's vital role during the COVID-19 crisis, we recommend that Congress:

- Enhance federal financing for Medicaid by increasing states' Federal Medical Assistance Percentage (FMAP) by at least 12 percentage points until a state's unemployment rate is below 5%. This is consistent with bipartisan solutions supported by the National Governors Association.
- Ensure states certify actuarially sound rates by enhancing statutory protections to allow Medicaid managed care plans to account for all costs and ensure program stability for enrollees.
- Streamline the presumptive eligibility process to allow states flexibility to expand to any Medicaid eligibility groups and/or allow additional qualified entities to perform determinations without advance approval by the Centers for Medicare & Medicaid Services.

Strengthen the Health System Workforce and Infrastructure

At a time of record-high COVID-19 diagnoses and hospitalizations, our country's doctors, nurses, hospital personnel, emergency medical services workers, and public health leaders demonstrate their service and sacrifice every day of the pandemic. Health insurance providers support our health care heroes as they remain under enormous clinical and financial stress. To that end, we recommend Congress take the following actions to ease the burden of health workers and help bring the pandemic under control:

- Provide additional federal funding for America's hospitals to relieve the financial burden facilities are facing by caring for the increasing COVID-19 patient caseload.
- Extend the suspension of Medicare sequestration cuts originally enacted through the CARES Act to ensure that medical professionals and health care facilities have the resources they need to manage the complex environment.
- Expand access to telehealth to harness the full potential of these services, particularly for non-COVID patients with single chronic or acute conditions.
- Enact temporary and targeted liability protections for health care workers and facilities who are working endlessly on the front lines to get our nation through this crisis.

COVID-19 has presented unprecedented challenges to our nation, our economy, and our health care system. The pandemic has strained provider capacity and exacerbated socioeconomic conditions for millions of Americans.

Together, we urge Congress to take action and adopt these recommendations to ensure that Americans have the care and peace of mind they deserve.

Thank you for your leadership in addressing the pandemic. We remain fully committed to working with you to address these urgent issues. By working together, we will defeat the disease and overcome 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



Incoming President and Chief Executive
Officer
Blue Cross Blue Shield Association