

Congress of the United States
Washington, DC 20515

June 9, 2015

Honorable Sylvia Mathews Burwell
Secretary
Department of Health and Human Services
200 Independence Ave SW
Washington DC 20201

Re: Provide Guidance on ACA Mandate for Coverage of Lactation Services and Supplies

Dear Secretary Burwell:

As Members of Congress passionate about the health of women and children, we appreciate your leadership on this issue and in implementing the Affordable Care Act (ACA). As you well know, the ACA mandates that insurance providers cover lactation services and supplies for new mothers without cost-sharing. This mandate is an important step forward in ensuring all mothers have services and equipment they need to care for new babies. However, as highlighted in recent reports, insurance companies are not uniformly providing coverage for these services, thereby, making it difficult for millions of women to access this important care. To ensure that these benefits are made available to women as the ACA requires, we respectfully request the Department of Health and Human Services (HHS) immediately issue guidance to clarify that these services be covered by insurance plans.

The ACA made dramatic improvements to women's health care by ending discriminatory health insurance practices and making health coverage more affordable and easier to obtain. The ACA's coverage of breastfeeding equipment, support, and counseling is an important new insurance benefit that has the potential to increase access to breast pumps and lactation counseling for women who choose to breastfeed. Research documents the significant health benefits of breastfeeding. According to the U.S. Surgeon General, breastfeeding protects babies from infections, illnesses, asthma, and reduces the risk of sudden infant death syndrome. Although many new mothers plan to breastfeed, they often encounter complications that prevent them from breastfeeding for as long as they planned. After reviewing the clinical evidence, the Institute of Medicine recommended that women receive comprehensive lactation support, counseling, and access to breastfeeding equipment as part of the ACA's coverage of a range of preventive services.

Unfortunately, recent reports indicate that insurance companies are not complying with the ACA's requirements to provide coverage of breastfeeding support and supplies with no cost-sharing. Two reports by the National Women's Law Center, the *State of Women's Coverage: Health Plan Violations of the Affordable Care Act*, and a companion report, the *State of Breastfeeding Coverage*, document troubling trends based on an analysis of coverage documents and stories from women trying to access the breastfeeding benefits that they are entitled under the ACA. It is especially concerning that inadequate access to lactation counseling adversely affects low-income women and infants, and, in many cases, makes it exceedingly difficult for them to gain the health benefits of breastfeeding.

It is clear from these reports, and from constituents who contact our offices, that some insurance companies either fail to comply with the ACA's breastfeeding coverage requirements or do not have guidance from HHS that clarifies the requirement to cover lactation services and supplies. At the same time, recent materials from HHS show that coverage standards fall short of what women need. These coverage gaps could be remedied with clear federal guidance explaining the scope of the ACA's breastfeeding coverage provisions.

Accordingly, we request that you:

- Ensure that Qualified Health Plans in states that use federal certification are fully compliant with the lactation services and supplies requirement;
- Encourage states to enforce the ACA's lactation services and supplies requirement;
- Educate insurers about their obligation to make breastfeeding supports available without cost-sharing, including through out-of-network providers when the plan has not established a network of lactation providers;
- Engage with key stakeholders to reexamine coverage standards, such as the public facing materials that allow plans to provide coverage for a manual breast pump, and develop new guidance that ensures the benefit actually meets women's needs; and
- Increase consumer education and awareness about the benefits of the ACA, including breastfeeding coverage, so more women can access these important benefits and can appeal insurance company decisions if their plan does not comply with the law.

We applaud the steps HHS has already taken to implement the ACA, and we encourage the Department to take whatever further action may be necessary to ensure that women receive the breastfeeding benefits guaranteed by law. We look forward to collaborating with you on behalf of all women who need access to these crucial healthcare services.

Sincerely,


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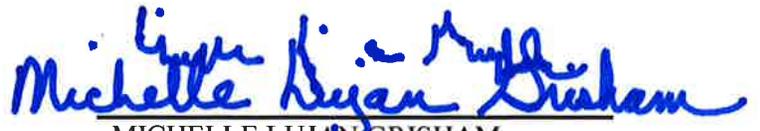

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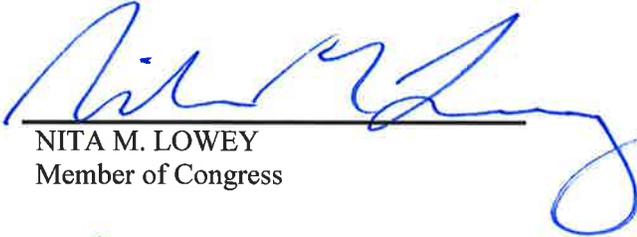
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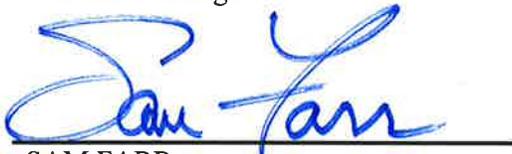
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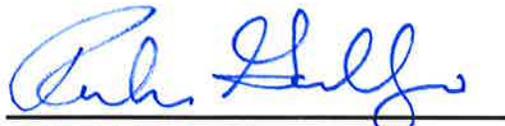
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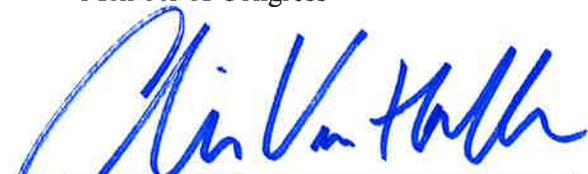
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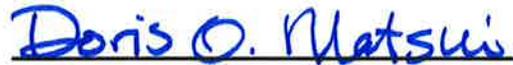
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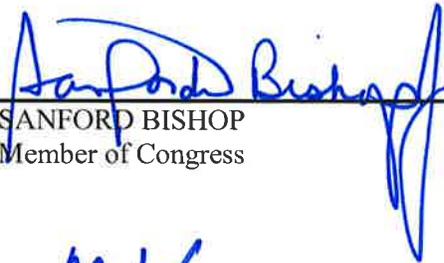
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