

HIV Health Care Access Working Group

January 27, 2014

Mike Reitz
President and CEO
Blue Cross and Blue Shield Association of Louisiana
P.O. Box 98029
Baton Rouge, LA 70898-9029

RE: Third Party Payment of Qualified Health Plan Premiums

Dear Mr. Reitz:

On behalf of the HIV Health Care Access Working Group (HHCAGW), we respectfully request that Blue Cross Blue Shield of Louisiana (BCBSLA) accept third-party payment of premiums from Ryan White Program/AIDS Drug Assistance Program (ADAP) insurance assistance programs on behalf of qualified low-income clients. HHCAGW is a coalition of more than 100 national and community-based organizations representing people living with HIV, HIV medical providers, public health professionals, and advocates who are committed to ensuring access to vital HIV-related prevention, care, and treatment services.

The Affordable Care Act (ACA) provides unprecedented expansion of insurance coverage and legal protections for millions of previously uninsured Americans, including tens of thousands of people living with HIV. In this era of health insurance coverage expansion, we are alarmed to learn of reports of BCBSLA's refusal to accept premium payments from Ryan White Program/ADAP insurance purchasing programs. We are concerned that plan policies that restrict health care access programs from assisting eligible low-income clients from purchasing QHPs will bar many people living with HIV from coverage and run counter to the access and non-discrimination goals of the ACA.

Ryan White Program/ADAP insurance assistance programs that assist qualified low-income clients with the purchase of health insurance are explicitly allowed (and encouraged) by the Health Resources and Services Administration (HRSA), the federal agency that oversees the Ryan White Program, as well as the Center for Consumer Information and Insurance Oversight (CCIIO).¹ Currently, 43 jurisdictions use Ryan White Program funds to assist clients with insurance and

¹ See HRSA/HAB policy clarification notice [\(PCN\) #13-05](#) issued on September 13, 2013 (noting "RWHAP [Ryan White HIV/AIDS Program] funds may be used to help clients purchase and maintain health insurance, if cost-effective and in accordance with RWHAP policy."). We understand that the Department of Health and Human Services has issued guidance discouraging third-party payments of QHP premiums from "hospitals, other healthcare providers, and other commercial entities"; however, Ryan White/ADAP insurance purchasing programs are essential public health safety net programs and are not commercial entities or providers. This guidance does not apply to these programs.

high-risk pool premium payments,² a practice which has been in effect for nearly two decades. These programs are also assisting clients with new QHP premium payments and regularly coordinate with private insurance issuers (including Blue Cross and Blue Shield plans in the vast majority of states) to pay premium obligations for low-income clients. BCBSLA is an outlier on this issue.

This abrupt shift in policy to prohibit third-party premium payments from the Ryan White Program is not supported by federal law or policy and has the potential to disproportionately impact people living with HIV. Not only does limiting access to coverage for this population jeopardize access to vital drug regimens and the care and treatment necessary for them to stay healthy; but we believe that this policy is in direct violation of the ACA's anti-discrimination mandates as well as other federal laws that protect the rights of individuals living with HIV and other disabling health conditions.³

Efforts to resolve this issue with BCBSLA representatives have thus far been unsuccessful.

We recognize that health insurance plans play an invaluable role in the effort to expand coverage to all Americans, however, we urge you to support policies that will maximize health care access for low-income people living with HIV.

Thank you for your attention to this issue. Please contact the HIV Health Care Access Working Group co-chairs, Amy Killelea with the National Alliance of State & Territorial AIDS Directors (akillelea@nastad.org), Andrea Weddle with the HIV Medicine Association (aweddle@hivma.org), or Robert Greenwald with the Treatment Access Expansion Project (rgreenwa@law.harvard.edu) if we can be of assistance.

Sincerely,

HIV Health Care Access Working Group

AIDS Action Baltimore | AIDS Action Committee of MA | AIDS Alliance for Children, Youth & Families | AIDS Foundation of Chicago | The AIDS Institute | AIDS Project Los Angeles | AIDS Treatment Data Network | AIDS United | American Academy of HIV Medicine | Community Access National Network | Communities Advocating Emergency AIDS Relief (CAEAR) Coalition | Gay Men's Health Crisis | Georgia AIDS Coalition | Harlem United | Health and Disability Advocates | HealthHIV | HIVictorious, Inc. | HIV Medicine Association | HIV Prevention Justice Alliance | Housing Works | L.A. Gay & Lesbian Center | Moveable Feast | National Alliance of

² See National Alliance of State & Territorial AIDS Directors (NASTAD), Fact Sheet: Insurance Purchasing/Continuation Assistance Provided by ADAPs, available at <http://www.nastad.org/Docs/NASTAD-HCA-Insurance-Purchasing-December-2013%20.pdf>.

³ Section 1557 of the ACA extends federal non-discrimination practices to the healthcare system, including the American with Disabilities Act which protects people living with HIV/AIDS.

State and Territorial AIDS Directors | National Association of People With AIDS | National Minority AIDS Council | The National Working Positive Coalition| Project Inform | San Francisco AIDS Foundation | South Carolina Campaign to End AIDS| Treatment Access Expansion Project | Treatment Action Group | VillageCare

Cc:

Michele Calandro, Senior Vice President and General Counsel, Blue Cross Blue Shield of Louisiana

Darrell Langlois, Vice President of Compliance, Privacy, and Fraud, Blue Cross Blue Shield of Louisiana

James L. Donelon, Commissioner, Louisiana Department of Insurance

Korey Harvey, Deputy Commissioner, Louisiana Department of Insurance