Covering Tobacco Cessation Treatment:
Why the New Federal Recommendation is a Big Deal for Smokers
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Moderator

Kerry Cork
Staff Attorney
Public Health Law Center
Tobacco Control Legal Consortium

The legal network supporting the tobacco control movement in the United States.
Covering Tobacco Cessation Treatment: Why the New Federal Recommendation is a Big Deal for Smokers
Presenters

- Anne DiGiulio, American Lung Association
- Erika Sward, American Lung Association
- Shelly Kiser, American Lung Association in Ohio and Michigan
Presenter

Erika Sward
Assistant Vice President
National Advocacy
American Lung Association
Shelly Kiser
Director of Advocacy
American Lung Association
in Ohio and Michigan
World Health Organization’s **MPOWER** Framework

- **M** Monitor Tobacco Use
- **P** Protect People from Tobacco Smoke
- **O** Offer Help to Quit Tobacco Use
- **W** Warn About the Dangers of Tobacco
- **E** Enforce Bans on Tobacco Advertising, Promotion & Sponsorship
- **R** Raise Taxes on Tobacco Products
Tobacco Control (Prevention & Cessation)
USPSTF Recommendation for Tobacco Cessation: What Does It Mean?

December 10, 2015

Anne DiGiulio
Manager, Lung Health Policy
American Lung Association
Acronyms

- **ACA** = Affordable Care Act
- **AHRQ** = Agency for Healthcare Research and Quality
- **CMS** = Centers for Medicare and Medicaid Services
- **Exchange** = State Health Insurance Marketplace
- **FDA** = Food and Drug Administration
- **HHS** = U.S. Dept. of Health & Human Services
- **Labor** = U.S. Dept. of Labor
- **Treasury** = U.S. Dept. of Treasury
- **USPSTF** = United States Preventive Services Task Force

Smoking Rates Among Different Populations

Overall Rate
- 16.8%

Education Level
- 7.9% - College Education
- 21.7% - HS Diploma
- 43% - GED

Race
- 9.5% - Asian
- 29.2% - American Indian

Geographical
- 13.1% - West
- 17.2% - South
- 20.7% - Midwest
- 15.3% - Northeast

Insurance Type
- 12.9% - Private Insurance
- 21.1% - Other Public Insurance
- 27.9% - Uninsured
- 29.1% - Medicaid
What are Preventive Services?

- Routine immunizations
- Preventive services for children & youth
- Preventive services for women
- Preventive services given an ‘A’ or ‘B’ recommendation by the US Preventive Services Task Force
What is the USPSTF?!?!?

• Created in 1984...

• The United States Preventive Services Task Force is an independent, volunteer panel of national experts in prevention and evidence-based medicine.

• USPSTF makes clinical recommendations about preventive services, such as counseling services, screenings and other preventive medicine by giving letter grades.

• Supported by AHRQ since 1998.

• Annual report to Congress identifying evidence gaps.

• ACA elevated the USPSTF
ACA Preventive Services Requirement

- Required in the Following Plans
  - Most Private Plans
  - Plans sold in the Exchanges
  - Small Group and Individual Plans
  - Medicaid Expansion Plans
- Different Requirements
  - Medicare
  - Traditional Medicaid
  - Grandfathered Plans
USPSTF and Tobacco Cessation

• A Grade: All Adults
  – All seven FDA – Approved Medications (NRT Gum, NRT Patch, NRT Lozenge, NRT Lozenge, NRT Inhaler, NRT Nasal Spray, Bupropion, Varenicline)
  – All three forms of counseling (individual, group and phone)

• A Grade: All Pregnant Women
  – All three forms of counseling (individual, group and phone)
Now What?

December 10, 2015

Erika Sward
Assistant Vice President, National Advocacy
American Lung Association
Lost in Translation

**Challenge:** Challenges in translating USPSTF and Public Health Service Guidelines to insurance coverage

**Result:** Private plans were not covering a comprehensive benefit.

- 2013 Tennessee study: only 1 out of 9 plans covered a comprehensive benefit
- 2012 Georgetown study found lack of comprehensive benefits, confusing documents, copays still being charged
- 2011 MMWR, Colorado Study: lack of comprehensive benefits; tobacco cessation benefits varied more than other preventive services
Tobacco Cessation Guidance

Cessation Guidance FAQ

• On May 2, 2014 the Departments of Labor, Treasury and Health and Human Services issues a FAQ on how the tobacco cessation recommendation should be implemented.

• Tobacco Cessation Guidance
  – At least 4 sessions of individual, group and phone counseling
  – At least 90 days of all FDA-approved smoking cessation medications, when prescribed
  – At least 2 quit attempts per year
  – No cost-sharing
  – No prior authorization
State Insurance Commissioners

- Regulate most private plans sold in their state.
- Can issue bulleting or other communication to plans clarifying that plans include all 3 forms of counseling plus all FDA-approved medications in formularies with no prior authorization or cost-sharing indicated.
On May 2, 2014, the U.S. Departments of Health and Human Services, Labor and Treasury issued guidance on insurance coverage of tobacco cessation as a preventive service under the Affordable Care Act. The guidance clarifies that insurance plans should offer access to all recommended tobacco cessation medications and counseling without cost sharing or prior authorization.
Federal Level

Stronger FAQ Needed

• The Lung Association and 36 partners sent a letter to the Secretaries of Labor, Treasury and Health and Human Services requesting a new FAQ on tobacco cessation coverage due to the updated USPSTF recommendation.
Resources and Contact Information

Helpful Websites:
- [www.Lung.org/cessationta](http://www.Lung.org/cessationta)
- [www.Lung.org/cessationguidance](http://www.Lung.org/cessationguidance)

Contact Us:
- [Anne.DiGiulio@Lung.org](mailto:Anne.DiGiulio@Lung.org)
- [CessationTA@lung.org](mailto:CessationTA@lung.org)
Implementing the USPSTF Guidelines in Ohio

Shelly Kiser
Director of Advocacy
American Lung Association in Ohio and Michigan
Current Coverage

**Medicaid Fee-for-Service**
- Covers best practices with a small co-pay for medications

**Medicaid Managed Care**
- Varies according to plan

**Insured under the marketplace and through employers**
- Varies widely
Implementing Coverage

Sign-on letter to the Ohio Department of Insurance

February 18, 2015

Dear Governor Taylor,

The Patient Protection and Affordable Care Act (ACA) expands requirements for coverage of clinical prevention services in private health insurance plans. We are writing to urge you to take the action necessary to ensure that health insurance plans under your authority are providing tobacco cessation benefits without cost-sharing. Our organizations look forward to working with you to ensure tobacco users in Ohio have the best possible chances to quit.
Implementing Coverage

The Academy of Medicine of Cleveland & Northern Ohio
American Cancer Society Cancer Action Network
American Heart Association
American Lung Association in Ohio
Association of Ohio Health Commissioners
Athens City-County Health Department
Case Western Reserve University
Central Ohio Technical College
Columbus Public Health
Contact Center
Cuyahoga County Board of Health
EHOVE Career Center (JVSD)
Hamilton County Public Health
Lake County General Health District
Licking County Health Department
Mental Health America Franklin County
Monroe County Health Department
NAMI Ohio
Implementing Coverage

Ohio Academy of Family Physicians
Ohio Association of Community Health Centers
The Ohio Chapter of the American College of Cardiology
The Ohio Council of Behavioral Health & Family Services Providers
Ohio Dental Hygienists’ Association
Ohio Foot and Ankle Medical Association.
Ohio Osteopathic Association
Ohio Pharmacists Association
Ohio Public Health Association
Ohio Public Health Partnership
The Ohio Society for Public Health Education
Ohio State Medical Association
The Ohio State University at Newark
Preble County General Health District
Prescription Network of Stark County, Inc.
Prevent Blindness, Ohio Affiliate
ProgressOhio
Implementing Coverage

Promedica Wellness
Public Health – Dayton and Montgomery County
SEIU Local 1
Tobacco-Free Delaware County Coalition
Toledo-Lucas County Health Department
UHCAN Ohio
Implementing Coverage

New Report
• State Health Insurance Marketplace Plans: New Opportunities to Help Smokers Quit

Media Coverage
• Columbus Dispatch
• Gongwer
• Hannah News Service
• Public News Service story which was picked up by 19 radio stations
Implementing Coverage

Meeting with ODI
• Ohio Association of Community Health Centers (also the former head of the Ohio Department of Health under the current governor)
• Ohio State Medical Association
• NAMI Ohio
• Tobacco-Free Delaware County Coalition

Materials
• Tobacco cessation requirements fact sheet
• How to design a tobacco cessation benefit
• The appendix from the report on state coverage showing the coverage by Ohio’s insurers
• A template bulletin
• A template press release
Implementing Coverage

Generating complaints
• Created language to explain the issue and generate complaints and sent to letter signers, state tobacco coalitions and all related groups
• Created a patient fact sheet for providers to give to patients to generate complaints and sent to provider groups
• Asked people to send me an email when they made a complaint so we could track progress.
• Only received one email despite repeated asks!!
• It may be too difficult of an ask or people don’t want to report.

Testimony
• Testified at health efficiencies study committee
Next Steps

**Managed Care Medicaid**
- Meeting with the director
- Asking for managed care to be covered at the same level as fee for service
- Taking representatives from the federally qualified health centers association, medical association, mental health, infant mortality

**Ohio Department of Insurance**
- Working with legislative champions
- Media advocacy
Our Credo

We will breathe easier when the air in every American community is clean and healthy.

We will breathe easier when people are free from the addictive grip of tobacco and the debilitating effects of lung disease.

We will breathe easier when the air in our public spaces and workplaces is clear of secondhand smoke.

We will breathe easier when children no longer battle airborne poisons or fear an asthma attack.

_Until then, we are fighting for air._
Questions?
Contact Information

Tobacco Control Legal Consortium
(651) 290-7506

www.publichealthlawcenter.org