

Sent via Electronic Mail

March 1, 2024

The Honorable Chiquita Brooks-LaSure
Administrator
Centers for Medicare and Medicaid Services
200 Independence Avenue, S.W.
Washington, DC 20201

Dear Administrator Brooks-LaSure:

As organizations committed to ensuring access to preventive health care, we write to urge CMS to address a regulatory gap creating barriers to patient access to vaccines.

As you know, vaccines are critical to public health. The cost of vaccine-preventable diseases among adults has been estimated to exceed \$8 billion a year in the U.S.¹ Vaccines are safe, effective, evidence-based, and cost-effective ways to reduce medical visits, hospitalizations, disability, and deaths.²

In recognition of the importance of vaccines, the Affordable Care Act (ACA) prohibits commercial insurers from charging patients for all FDA-approved vaccines with a recommendation from the Advisory Committee on Immunization Practices (ACIP) of the Centers for Disease Control and Prevention (CDC).³

Unfortunately, this provision of the ACA has not been fully implemented. Nearly fourteen years later, vaccines with different types of recommendations – for example, vaccines that are critical for travel, outbreaks and occupational hazards⁴ – are being treated differently by commercial coverage than other vaccines. All barriers to vaccines, including cost barriers, should be eliminated in order to ensure access to all disease-preventing vaccines.

These regulatory restrictions not only create what are often insurmountable financial barriers to patient access to vaccines, but have caused confusion in the marketplace – particularly given the Inflation Reduction Act's recent elimination of out-of-pocket costs for all CDC-recommended vaccines covered under Medicare Part D and Medicaid.⁵

We urge CMS to act now to clarify current regulations and ensure full implementation of the requirement for commercial coverage of all CDC-recommended vaccines with no patient cost-sharing.

Thank you for your attention to this important matter. If you have any questions, please contact Niki Carelli at niki@daschlegroup.com.

Sincerely,

¹ Ozawa et al. 2016. Health Affairs 35(11): 2124–32. <https://www.healthaffairs.org/doi/full/10.1377/hlthaff.2016.0462>.

² Leidner AJ, Murthy N, Chesson HW, et al. Vaccine. 2019 Jan 7;37(2):226-234. doi: 10.1016/j.vaccine.2018.11.056.

³ 42 U.S.C. §300gg13.

⁴ 45 C.F.R. §147.130.

⁵ Inflation Reduction Act of 2022, Pub. L. No. 117-169, H.R. 5376, 117th Cong. §§ 11401, 11405 (2022).



American College of Physicians

American College of Obstetricians and Gynecologists

American Council on Education

American Medical Association

American Pharmacists Association

Association of Schools and Programs of Public Health

Association of Veterinary Technician Educators

Bavarian Nordic

Better Together 2030

Biotechnology Innovation Organization (BIO)

Charles County Department of Health

College and University Professional Association for Human Resources

Community Catalyst

Families Fighting Flu

The Forum on Education Abroad

Gerontological Society of America

Healthy Solutions Inc

Illinois Public Health Association

Immunize South Dakota

Immunize.org

Iowa Academy of Family Physicians

NAFSA: Association of International Educators

National Association of County and City Health Officials

National Community Pharmacists Association

National Foundation for Infectious Diseases (NFID)



New York State Department of Health

Novavax

Puerto Rico Department of Health, Immunization Division

USVI Department of Health

Vaccinate Your Family

Valneva USA

VaxCare

Wyoming Department of Health Immunization Unit

Zero Hour Health