SOCIETY FOR PUBLIC HEALTH EDUCATION
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17 September 2010

Office of Consumer Information and Insurance Oversight
Department of Health and Human Services
Attention: OCIIO-9992-IFC
P.O. Box 8016
Baltimore, MD 21244-1850

RE: Interim Final Rules for Group Health Plans and Health Insurance Issuers Relating to Coverage of Preventive Services under the Patient Protection and Affordable Care Act

Dear Madam or Sir:

The Society for Public Health Education (SOPHE) is pleased to submit comments in response to Interim Final Rules relating to Coverage of Preventive Services, specifically on tobacco cessation programs.

SOPHE's 4,000 national and local members work in schools, universities, medical care settings, corporations, voluntary health agencies, international organizations, and federal, state and local government. As a 501c3 non-profit professional society, SOPHE provides leadership to the profession of health education and contributes to the health of all people and the elimination of disparities through advances in health education theory and research, excellence in professional preparation and practice, and advocacy for public policies conducive to health. Founded in 1950, our organization and its members have long been involved in educating professionals and the public, as well as conducting research and implementing policy and systems interventions for effective tobacco prevention and control. In July 2010, SOPHE was one of three national organizations awarded funding to provide technical assistance on tobacco prevention and control to communities under the Communities Putting Prevention to Work initiative under the Department of Health and Human Services.

It has been more than 10 years since SOPHE passed its *Resolution to Promote a Comprehensive, Responsible National Tobacco Control Policy*, which called for "full and explicit FDA jurisdiction over all U.S. manufactured tobacco products and nicotine delivery devices, including regulation of nicotine, tar and other constituents of tobacco and tobacco smoke." In light of that resolution, SOPHE would like to offer comments on the Interim Final Rules that were issued last month to implement Section 2713 of the "Patient Protection and Affordable Care Act", Public Law 111-148, dealing with the "Coverage of Preventive Health Services." The law requires that a group health plan and a health insurance issuer offering group or individual health insurance coverage must provide benefits for, and prohibit the imposition of, cost-sharing requirements with respect to "evidence-based items or services that have in effect a rating of A or B in the current recommendations of the U.S. Preventive Services Task Force." Tobacco cessation treatment is an "A" rated service.

SOPHE strongly urges that the final regulations mandate coverage of tobacco cessation services to include all seven FDA approved medications and all three forms of counseling as outlined in the 2008 U.S. Public Health Service guideline. Effective treatments that can increase the chances of successful tobacco cessation include brief clinical interventions, counseling, behavioral cessation therapies and treatments with more person-to-person contact and intensity. Cessation medications found to be effective for treating tobacco dependence include over-the-counter and prescription nicotine

replacement products and prescription non-nicotine medications. **However, the combination of medication and counseling is more effective for smoking cessation than either medication or counseling alone.** Thus, given the deadly health effects of tobacco and the economic toll of tobacco as a risk factor for many chronic diseases, SOPHE urges FDA to require health insurers to provide benefits for, and prohibit the imposition of, cost-sharing requirements with respect to evidence-based items or services that have in effect a rating of A or B in the current recommendations of the U.S. Preventive Services Task Force.

Thank you for considering these comments. SOPHE welcomes future opportunities to work with the agency as it moves forward on the enactment of health reform.

If you should have any questions please contact me at 202-408-9804 or eauld@sophe.org.

Respectfully submitted,

M. Elaine Auld, MPH, CHES
Chief Executive Officer
Society for Public Health Education