

Submitted by electronic mail

February 14, 2022

The Honorable Xavier Becerra
Secretary
U.S. Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

Dear Secretary Becerra,

The undersigned organizations appreciate the efforts the Administration has taken to address the current pandemic, and we share your views on the critical importance of access to vaccines to address COVID-19. But COVID-19 is unlikely to be our nation's last battle with infectious diseases, especially with diseases that more frequently originate abroad. All vaccines recommended by the Centers for Disease Control and Prevention are critical to public health, and there should be no financial barriers to at-risk patients accessing such lifesaving, preventive care. Today, we write as public health stakeholder organizations to urge HHS to act now to clarify its current regulations and ensure that the *Public Health Service Act requirement for commercial coverage of all CDC recommended vaccines with no patient cost-sharing is fully implemented.*

Section 2713 of the Public Health Service Act (the Preventive Care Mandate) provides broad, unqualified language prohibiting cost sharing for all recommended vaccines. See 42 U.S.C. §300gg-13. This statutory mandate was narrowed by regulation to apply only to "routine" immunizations listed on the CDC's "Immunization Schedules." See 45 C.F.R. §147.130. This created inconsistency and resulted in coverage gaps in the commercial marketplace ultimately limiting patient access to important CDC recommended vaccines, including for individuals at risk of exposure due to their occupation or travel. As the threat of vector-borne diseases is on the rise globally, the regulation needlessly puts people at risk of serious health consequences from otherwise vaccine preventable illnesses.

One lesson of the pandemic is the imperative for removing financial barriers to preventive care and ensuring broad access to vaccines with no cost-sharing. Because of the current HHS regulation, Congress had to step in to ensure that COVID-19 vaccines would be available with no cost-sharing. By giving full force and effect to the Preventive Care Mandate, HHS can exhibit further public health leadership. A proactive, rather than piecemeal, approach to vaccine access is sound policy, and what was intended in the enactment of the Preventive Care Mandate.

According to the Unified Agenda of Regulatory and Deregulatory Actions, HHS intends to propose a rule this month that will address coverage of certain preventive services under the Public Health Service Act, of which the Preventive Care Mandate is a part. We believe that this is an appropriate regulatory vehicle for rectifying this critical policy matter, and an opportunity for the Administration to further demonstrate its unwavering commitment to vaccine access.

Eliminating financial barriers to all CDC recommended vaccines for at-risk individuals would be an administrative action supported by a diverse group of stakeholders. We agree that ensuring access to CDC recommended vaccines is an investment in our future health, wellbeing and economic success of our nation, and we stand ready to work with you.

Thank you for your consideration of this important matter. If you have any questions, please contact Phyllis Arthur at parthur@bio.org.

Sincerely, *Phyllis A Arthur*

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