



March 28, 2016

The Honorable Thomas Perez  
Department of Labor  
200 Constitution Ave., NW  
Washington, DC 20210

**RE: March 2016 Proposed Summary of Benefits Templates and Instructions to Issuers**

Dear Secretary Perez:

On February 25, 2016, the Departments of Labor, Treasury, and Health and Human Services released new versions of proposed Summary of Benefits and Coverage (SBC) templates, along with updated instructions to issuers on how to complete SBCs. I am pleased to submit the following comments on the proposed templates and instructions on behalf of the Guttmacher Institute, a nonprofit organization dedicated to advancing sexual and reproductive health worldwide through research, policy analysis and public education.

Despite varying views on abortion itself, there is broad consensus on the need for and benefits of transparency in health insurance plans' coverage or exclusion of abortion. Given a demonstrated, continuing lack of transparency in marketplace plans, we applaud the Departments' efforts to make information on plans' coverage or exclusion of abortion available to consumers as part of the SBC, and to provide detailed instructions to issuers on how to include this information.<sup>1</sup>

In guiding issuers on how to complete the SBC, we urge the Departments to require that transparency in abortion coverage be made available to all consumers in the private insurance market, not just consumers of qualified health plans (QHPs). Further, in standardizing the SBC, not only should details of abortion coverage be included in the same place across SBCs, but limitations and exceptions to coverage should also be detailed using consistent, unbiased terminology. Additionally, the sample completed SBC template should demonstrate inclusion of abortion coverage information.

**Providing Information to All Consumers**

We support the Departments now requiring all issuers include information on whether and to what extent their QHPs cover abortion, regardless of whether the QHP is offered in a state that restricts abortion coverage in its marketplace. However, while it is helpful that the Departments explicitly state issuers of other plans may choose to disclose details of abortion coverage in their SBCs, it is critical that issuers do in fact give *all* consumers clear, factual information on

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<sup>1</sup> Hasstedt K, [Abortion coverage under the Affordable Care Act: advancing transparency, ensuring choice and facilitating access](#), *Guttmacher Policy Review*, 2015, 18(1):14-20.

abortion coverage and exclusions. To do so—and to best facilitate issuers’ compliance—all plans required to provide an SBC under the Affordable Care Act (ACA) should also be required to address abortion coverage and exclusions, including all individual and group plans. Standardizing the SBC template and instructions for its completion with regard to abortion coverage will streamline the process for issuers and provide critical information on abortion coverage to consumers regardless of their plan type.

### **Achieving Consistent Transparency**

We also appreciate the Departments giving issuers some guidelines on where and how to describe their plans’ coverage or exclusion of abortion within an SBC, though the proposed instructions should provide greater detail for issuers.

Ideally, abortion should be listed under the “Common Medical Events” table of the SBC; it is indeed commonly needed healthcare for women, and the table offers a natural place for information on common coverage exclusions—particularly relevant since the ACA distinguishes between plans covering abortion and those excluding it except in the narrow instances of rape, incest or when the woman’s life is endangered.

Most important to ensuring informed consumer choice, however, is ensuring that information on abortion coverage is detailed in the same place across SBCs. Given the current proposal to list abortion in either the “Services Your Plan Does Not Cover” or “Other Covered Services” section of the SBC, the Departments’ clear direction that issuers should include coverage information in one of these two boxes as appropriate is helpful to meeting this end goal.

Regardless of the information’s placement on the SBC, issuers should be explicitly instructed on how to fully describe a plan’s coverage or exclusion of abortion using straightforward, unbiased language. Specifically, in the proposed instructions, issuers should be directed not just to “reflect whether abortion services are covered” in an SBC, but “whether *and to what extent*” they are covered. Further, in providing phrasing to describe common abortion coverage exceptions, “life of the woman” should be used as opposed to “life of the mother.”

However, providing all consumers clear, factual coverage explanations of abortion services in SBCs does not negate the need for issuers to additionally link to more detailed plan documents where online consumers can find more thorough explanations of the coverage or exclusion of abortion, among other health services. To this end, issuers should be required to include a cross-reference to another plan document more fully describing any applicable exceptions rather than given the option of doing so.

Finally, all of the above changes should be applicable not only to QHP issuers, but to all individual and group plan issuers, as all should be including the same information on abortion coverage in their SBCs.

### **Completing the SBC Template**

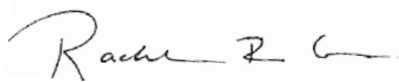
The sample completed SBC template posted concurrently with these proposed materials fails to provide issuers with an example of how to include information on whether and to what extent

abortion is covered. In line with requiring all individual and group plans to detail abortion coverage or exclusions in their SBCs, the sample completed SBC should clearly demonstrate to issuers how to do so. This will only aid issuers in properly complying with the Departments' instructions, and help ensure all consumers have access to understandable, comparable information on abortion coverage as they select the best plan for them.

We hope you find these comments useful as you move to finalize the proposed SBC templates and instructions to issuers. If you need additional information about the issues raised in this letter, please feel free to contact Kinsey Hasstedt in the Institute's Washington office. She may be reached either by phone at 202-296-4012 or by email at [khasstedt@guttmacher.org](mailto:khasstedt@guttmacher.org).

Thank you for your consideration.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Rachel Benson Gold". The signature is fluid and cursive, with a large initial "R" and a stylized "G" at the end.

Rachel Benson Gold  
Vice President for Public Policy