



October 5, 2021

Administrator Chiquita Brooks-LaSure
Centers for Medicare & Medicaid Services
Department of Health and Human Services
7500 Security Boulevard
Baltimore, MD 21244

RE: COVID-19 Testing Recommendations

Dear Administrator Brooks-LaSure:

The Alliance of Community Health Plans (ACHP) appreciates the Administration's dedication to addressing the countless challenges of the COVID-19 pandemic, including the commitment to utilizing robust testing to make workplaces, schools, community spaces and travel safe. As testing continues to be a central pillar of the pandemic response, ACHP and our member organizations offer the following recommendations to ensure coordinated and clear COVID-19 testing reimbursement responsibilities.

ACHP represents the nation's top-performing non-profit health plans improving affordability and outcomes in the health care system. ACHP member companies are provider-aligned health organizations that provide high-quality coverage and care to more than 24 million Americans across 36 states and D.C. They are leading the industry in practical, proven reforms around primary care delivery, value-based payment and data-driven systems improvement.

As Americans return to their workplace, children return to in-person school and social events begin to return to pre-pandemic normalcy, it is essential that the Administration reaffirm the financial responsibility for COVID testing. We strongly support every eligible American getting vaccinated in the interest of public health and are working hard in our communities to achieve that goal. For those who choose to remain unvaccinated without a religious or otherwise recognized exemption, however, there should be no economic benefit of free testing to avoid getting vaccinated. To protect the premium dollar of every consumer, it is essential that the Administration reassert that health plans are only responsible for health-related testing.

ACHP member organizations are experiencing higher testing costs in 2021 to date compared to 2020. One ACHP member noted that in the commercial line of business, 2021 testing per member per month (PMPM) has significantly exceeded 2020 PMPM costs. Another ACHP member noted that from 2020 to YTD 2021 (approximately August 2021), COVID diagnostic testing across all lines of business has increased by 16%, not including antibody tests. Other ACHP members have similar experiences, already surpassing costs for

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testing in 2021 compared to a full year in 2020. For many members, August was their highest month of tests paid for throughout the entire pandemic, with September data likely to continue the trend. Across the country, ACHP members continue to spend tens of millions of dollars on testing without any end in sight for the number of consumers, tests, or cost per test decreasing in the foreseeable future.

As the Administration operationalizes the [“Path out of the Pandemic - President Biden's Covid-19 Action Plan”](#), ACHP offers the following recommendations:

Reinforce the Tri-Agency Guidance Specifically Targeted to Employers. ACHP appreciates the clarity of the Tri-Agency guidance, issued via the [FAQs About Families First Coronavirus Response Act And Coronavirus Aid, Relief, And Economic Security Act Implementation Part 44](#), specifically its clarity regarding a health plan’s responsibility to cover tests only for health-related purposes. Despite the clearly articulated guidance, ACHP member organizations continue to receive tens of thousands of claims for probable work-related COVID-19 testing. With the inability to clearly identify the purpose for a COVID-19 test on the claim, health plans are not able to identify these tests until a clear pattern or trend emerges. Further, identifying patterns or trends is resource intensive, significantly diminishing the ability of health plans to protect against covering testing for non-health related purposes.

ACHP and our members look forward to working with the Administration and industry partners to identify the purpose for a COVID-19 test on a claim. Currently, most of our members note significant difficulty identifying testing purpose on claims as the claims are not formatted to display this sort of information. We encourage the Administration to establish a national standard as changes to claims submission requirements would be best undertaken as a national strategy as opposed to individual entity initiatives. We point to existing ICD-10 codes, such as return-to-work (Z02.79), return-to-school (Z02.0) and participation in sports (Z02.5) as potential avenues to clearly indicate the reason for COVID-19 testing on a claim.

Issue Additional Guidance for Employer Financial Responsibility for Mandated COVID-19 Testing. There should be no economic benefit of free testing to avoid getting vaccinated. ACHP urges the Administration to issue guidance for employers mandating COVID-19 testing stating clear expectations that employers requiring regular COVID testing are responsible for the costs, including potentially sharing in that cost with employees. In addition, we recommend the Administration consider allowing employers to share in the financial responsibility for testing with employees who choose to remain unvaccinated and opt for weekly testing. We note that there should be appropriate exceptions for individuals who are not vaccinated under a recognized exemption.

Lower the Medicare Fee-For-Service Reimbursement Rate for COVID-19 Tests. ACHP appreciates the Administration’s desire to incentivize and appropriately reimburse COVID-19 timely testing, especially early in the pandemic when testing capacity was limited. After almost two years of battling COVID, the increased reimbursement for testing no longer holds the same value and we encourage the Administration return to the pre-pandemic

reimbursement rate for COVID tests. Many health care entities rely on the Medicare fee schedule to set reimbursement rates, specifically for laboratory testing. ACHP members continue to see exorbitant prices for COVID-19 tests, including price gouging by labs seeking to profit off the pandemic. We urge the Administration to appropriately reset the Medicare reimbursement rate for COVID testing now that the market has stepped up to the plate with timely, accurate and high-quality testing widely available.

Allow Managed Care Plans to Reinstate Utilization Management for Associated COVID Testing Charges. ACHP member organizations are experiencing higher volumes of testing being performed in urgent care settings or emergency rooms where the tests themselves may be affordable, but the site of service fee is not. Health plans are unable to use the utilization management tools to limit excessive fees. As a result, many ACHP members have spent more in total on testing so far in 2021 than all of 2020, despite performing fewer tests, due primarily to facility fees. ACHP recognizes that during the onset and height of the pandemic, broad requirements to cover testing wherever were necessary. It is imperative to allow health plans to use utilization management tools to limit charges associated with COVID and place downward pressure on future premiums by reducing higher spending related to testing.

Utilize Funds from the Paycheck Protection Program and Health Care Enhancement Act for State Testing Sites. Congress appropriated \$25 billion for the Public Health and Social Services Emergency Fund to expand capacity for COVID-19 tests to effectively monitor and suppress COVID-19, support workforce efforts to conduct surveillance and contact tracing and scale up academic, commercial, public health and other related activities. ACHP encourages the Administration to disburse a portion of these funds to reestablish state testing sites which were very effective throughout 2020 and much of 2021. In an article from [The Wall Street Journal](#), as of Aug 14, 2020, just \$121 million of those funds were used.

We appreciate the opportunity for engagement with you and members of your team. Please contact Michael Bagel, ACHP Director of Public Policy, at mbagel@achp.org or (202) 897-6121 with any questions.

Sincerely,



Ceci Connolly
President and CEO, ACHP

CC:
Jon Blum, CMS Principal Deputy Administrator
Carole Johnson, White House Testing Coordinator