
ASMBS Activity Report

June 2014

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HEADLINES:

OCC Meets with HHS Civil Rights Office

Coordinated Effort Results in new AMA Obesity Policy

On June 11, 2014, the American Medical Association (AMA) adopted formal policy supporting “patient access to the full continuum of care of evidence-based obesity treatment modalities such as behavioral, pharmaceutical, psychosocial, nutritional, and surgical interventions.”

The new policy came about from a joint effort of ASMBS and the American College of Surgeons (ACS), who offered a resolution during this year’s AMA House of Delegates meeting supporting coverage of bariatric surgery in state health exchange essential health benefit (EHB) packages. While the resolution ran into some hurdles during reference committee consideration, the surgical community was able to join with the American Association of Clinical Endocrinologists in offering an amended version of the resolution which was adopted - without opposition - by the full House of Delegates.

OCC Leaders meet with HHS Office of Civil Rights

On June 11, 2014, Obesity Care Continuum (OCC) leaders Ted Kyle, Dr. Walt Medlin, and Joe Nadglowski met with Deputy Director Robinsue Frohboese and other key staff in the Department of Health and Human Services (HHS) Office of Civil Rights (OCR) to discuss potential civil rights violations that may be occurring within state health marketplace plans. At issue is how Section 1557 – the civil rights section of the Affordable Care Act (ACA) could protect those affected by obesity.

Section 1557 prohibits discrimination on the grounds of race, color, national origin, sex, age, or disability under “any health program or activity, any part of which is receiving Federal financial assistance ... or under any program or activity that is administered by an Executive agency or any entity established under [Title I of ACA]....” Section 1557 is consistent with and promotes several of the Obama Administration’s key initiatives that advance prevention and wellness, reduce health disparities, and improve access to health care services. To ensure equal access to health care, Section 1557 also applies civil rights protections to the newly created Health Insurance Marketplaces established under the Affordable Care Act.

OCC leaders educated OCR staff about the many coverage issues that the Obesity Care Continuum believe are discriminatory such as prohibitive patient cost sharing and one procedure per lifetime limits on bariatric surgery. OCR staff was very appreciative with OCC bringing these issues to their attention. However, given that OCR is currently crafting additional regulatory guidance surrounding Section 1557, they were precluded from discussing any possible patient protections that may be included in the new guidance, which is expected to be released later this year.