

December 5, 2021

David Altmaier, President
National Association of Insurance Commissioners
444 North Capitol Street NW, Suite 700
Washington, DC 20001

Dear Director Altmaier,

On behalf of the American Society of Metabolic and Bariatric Surgery (ASMBS), we urge you and the National Association of Insurance Commissioners (NAIC) to issue guidance encouraging health insurance plans to extend the time frame for the patients' deductibles to the end of the first quarter of 2022.

Throughout the pandemic, many patients have had a delay in receiving the medical care that they need due to lack of resources including staffing, excess hospital capacity, and fear of risk of exposure to the novel coronavirus with increasing community spread. Unfortunately, we are in the midst of a resurgence of COVID-19 that is even higher than the first surge in many communities in the US. The volume of COVID-19 patients in the hospital is currently at their highest peak during the pandemic – leading several state governors to employ emergency proclamations limiting non-emergency surgery to reserve hospital beds. Many patients who were scheduled to proceed with life-saving medically necessary time sensitive metabolic and bariatric surgery have had their surgery cancelled for no fault of their own and no fault of the surgeons and medical professionals caring for these patients.

COVID-19 has made it clear that the obesity epidemic is an immediate and deadly threat to our country. Since the pandemic began, dozens of studies have reported that many of the sickest COVID-19 patients have been people with obesity. For example, in the first meta-analysis of its kind, published on August 26, 2021, an international team of researchers found that people with obesity who contracted COVID-19 were 113% more likely than people of healthy weight to be hospitalized, 74% more likely to be admitted to an ICU, and 48% more likely to die. These tragic numbers are being driven by the major biological factors associated with obesity -- including impaired immunity, chronic inflammation, and blood that's prone to clot, all of which can worsen COVID-19.

There is recent evidence to demonstrate having bariatric surgery decreases the risk of hospitalization and severe outcomes with COVID-19 when compared to similar people who did not have a history of bariatric surgery. Aminian et al. identified a decreased hospitalization rate, ICU stay, and death rate for those with prior bariatric surgery (OR 0.3) ⁽¹⁾. Metabolic bariatric surgery has been demonstrated to have a direct impact on improving many comorbidities such as type 2 diabetes and inflammation in multiple body systems related to obesity even before significant weight loss occurs^(2,3,4). With delay of metabolic bariatric surgery, there is a significant risk of type 2 diabetes progressing. In addition, for those with respiratory, renal, and cardiac disease, there is also a significant risk of greater harm during delay of metabolic bariatric surgery ⁽⁴⁾. This evidence demonstrates that delay of care for treatment of severe obesity really is life-threatening^(4,5,6,7,8).

A tremendous concern has been raised by our patients as we approach the end of the 2021. For most, their out-of-pocket deductible will reset at the end of the calendar year. Frequently, the out-of-pocket expense is prohibitive for a patient to seek medical care. These costs are now often many thousands of dollars, and during this difficult time, the impact to a family is even greater for those seeking medical care. Therefore, a

delay in receiving care at this time for many will translate into the inability to receive care for many years until they can recover financially or even the possibility of never receiving the life-saving treatment they need.

On behalf of our patients, we are urging health plans to extend the time frame for the patients' deductibles to the end of the first quarter of 2022. We realize this is not a simple undertaking as regulations and policies must be taken into consideration. That being said, we are hopeful that the NAIC will issue guidance or a statement to encourage health plans to take this critical step, which would allow patients to receive lifesaving care without an undue financial burden placed upon them.

If we can do anything to help expedite this request, please let us know and we would gratefully participate with you on this process. On behalf of our patients, we greatly appreciate your consideration.

Thank you,



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