



National Black Nurses Association, Inc.
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March 7, 2022

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Centers for Medicare and Medicaid Services
Department of Health and Human Services
Attention: CMS-4192-P
Mail Stop: C4-26-05,
7500 Security Boulevard
Baltimore, MD 21244-1850

RE: Medicare Program; Contract Year 2023 Policy and Technical Changes to the Medicare Advantage and Medicare Prescription Drug Benefit Programs

Dear Administrator Brooks-LaSure:

On behalf of the National Black Nurses Association, I am writing to bring to your attention a gap in Medicare beneficiary access to important interventions to treat obesity. The National Black Nurses Association represents 308,000 African American registered nurses; and, is comprised of 111 chapters in 31 states and the District of Columbia.

In 2013, the American Medical Association recognized obesity as a disease state with multiple pathophysiological aspects requiring a range of interventions for treatment and prevention. However, Medicare's coverage rules for treatment of obesity predate recognition of obesity as a chronic disease and prohibit coverage of FDA-approved anti-obesity medications (AOMs) under a statutory provision excluding drugs used as "weight loss" or "weight gain" agents. This prohibition was intended to exclude drugs for cosmetic use and predates our understanding of obesity as a chronic disease. As such, seniors living with obesity currently lack access to medically necessary care, and racial disparities and inequities continue to widen.

We urge CMS to update its policy in the 2023 Part D Final Rule to ensure coverage for FDA-approved anti-obesity medications. CMS' policy to exclude AOMs from Part D coverage was adopted in the preamble to a 2008 Part D final rule and can therefore be reversed through similar guidance.

We would welcome the opportunity to work with you to ensure that seniors have access to the full continuum of obesity care, including FDA-approved anti-obesity medications. If you have any questions about our comments, please contact me at millicent@nbna.org.

Sincerely,

Millicent Gorham, PhD (Hon), MBA, FAAN
Executive Director