

United States Senate

WASHINGTON, DC 20510

February 13, 2023

Chiquita Brooks-LaSure
Administrator
Centers for Medicare and Medicaid Services
7500 Security Boulevard
Baltimore, MD 21244

Dear Administrator Brooks-LaSure:

Infertility impacts millions of Americans seeking to begin or expand their families. According to the Centers for Disease Control and Prevention (CDC), an estimated 2% of U.S. infants are conceived annually using assisted reproductive technology (ART), including in-vitro fertilization (IVF), fertility preservation services, and other related procedures. Yet, due to the high cost, these services remain out of reach for too many American families.

Out-of-pocket costs for ART services can vary widely depending on the patient, state, and insurance coverage. An average IVF cycle costs about \$15,000, but can range up to \$25,000 depending on additional services, and success may take multiple rounds. In many states, there is no required coverage for any ART service; in several others, the coverage is woefully inadequate.

In Colorado, our elected leaders fought hard to expand insurance coverage for fertility services, so that more families can benefit. The Colorado Building Families Act of 2022 (HB22-1008), implemented in January 2023, provides coverage for fertility services in large-group plans. This is an important expansion of coverage for thousands of families in Colorado. However, too many Coloradans – those on individual and small-group health insurance plans – remain excluded and cannot afford these important services.

We write to urge the Centers for Medicare and Medicaid Services to affirm that the Essential Health Benefit under Pregnancy, Maternity, and Newborn Care, as established by the Affordable Care Act, covers ART services, including IVF. While individual states can make determinations through their benchmark plans regarding the specific scope of coverage, clarifying ART services as a federal Essential Health Benefit will cover every family no matter where they live, allowing them to start their families.

Thank you for your attention to this important matter.

Sincerely,



John Hickenlooper
U.S. Senator



Michael Bennet
U.S. Senator