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Submitted Electronically

**Re: CMS-10535/OMB Control Number 0938-1248 and OMB Control Number 1210-0150;
Information Collection; Employer Notification to HHS of its Objection to Providing
Coverage for Contraceptive Services Model Notice**

The undersigned organizations write in response to notices published in the Federal Register on December 11, 2014 by the Department of Labor (“DOL”) and on December 8, 2014 by the Department of Health and Human Services (“HHS”) (collectively, “the Departments”). The notices request public comment pertaining to the Departments’ collection of information regarding OMB control numbers 1210-0150 and 0938-1248, respectively. The Departments seek comments on the information collection, including how to “enhance the quality, utility, and clarity of the information to be collected.”¹

We believe that all women should have access to birth control coverage, as guaranteed under the Affordable Care Act, regardless of where they work or attend school, and we continue to strongly oppose the Supreme Court’s decision in *Burwell v. Hobby Lobby Stores, Inc.*² We submit these comments to ensure that any woman who works for an employer that avails itself of the accommodation nevertheless receives seamless access to birth control coverage without cost-sharing.

The Departments have created a model notice form that an eligible organization can use to notify HHS of its religious objection to coverage of all or a subset of contraceptive services. In order to avoid any coverage gaps resulting from inadequate information being provided by the eligible entity, particularly as to the exact description of which methods the entity objects to, we ask that

¹ Agency Information Collection Activities: Proposed Collection; Comment Request, 79 Fed. Reg. 72,685 (Dec. 8, 2014); Proposed Extension of Information Collection Request Submitted for Public Comment; Revisions to Coverage of Certain Preventive Services Under the Affordable Care Act, 79 Fed. Reg. 73,629, 73,631 (Dec. 11, 2014).

² *Burwell v. Hobby Lobby Stores, Inc.*, 134 S. Ct. 2751, Nos. 13-354, 13-356, 2014 WL 2921709 (June 30, 2014).

the Departments incorporate into the model notification form a checklist of the FDA's list of 20 birth control methods.³ Because there are many different types of contraceptive services and methods that are currently approved by the FDA and it is unlikely that the person charged with filling out this form will have a medical or pharmaceutical background, including this list will help to eliminate confusion that could result in gaps in the coverage.

We also reiterate previous comments calling on the Departments to implement policies and procedures to ensure strict oversight and enforcement. No matter the process by which an eligible entity avails itself of the accommodation, the Departments must ensure that participants and beneficiaries have access to the contraceptive coverage guaranteed to them by law.

Sincerely,

Advocates for Youth
American Civil Liberties Union
American Congress of Obstetricians and Gynecologists
Center for Reproductive Rights
Institute for Science and Human Values, Inc.
NARAL Pro-Choice America
National Council of Jewish Women
National Health Law Program
National Latina Institute for Reproductive Health
National Partnership for Women & Families
National Women's Health Network
National Women's Law Center
Planned Parenthood Federation of America
Raising Women's Voices (RWV)
Reproductive Health Technologies Project

³ U.S. FOOD AND DRUG ADMINISTRATION OFFICE OF WOMEN'S HEALTH, BIRTH CONTROL GUIDE, *available at* <http://www.fda.gov/downloads/ForConsumers/ByAudience/For%20%80%A8Women/FreePublications/UCM356451.pdf>. If this list is updated to include new methods, the checklist in the notification form should also be updated.