



# Improving Tobacco Cessation Coverage in the Private Insurance Landscape: A Resource Guide

## **Introduction**

The impacts of tobacco use on public health in the United States are significant. Tobacco use remains the leading cause of preventable disease and death in the United States. Nearly half a million Americans die prematurely from smoking and the United States spends over \$240 billion to treat smoking-related diseases each year.<sup>1</sup> In the U.S. tobacco use rates vary significantly based on several demographic factors. Approximately 16.2% of people with private insurance use tobacco.<sup>2</sup> While the tobacco use rate is lower amongst the those who are covered by private health insurance than other groups, the population covered by private insurance is larger; improving coverage within private insurance can have a great impact on a large proportion of our population.

This guide is designed to help state and local tobacco control staff working to improve tobacco cessation coverage for their private insurance landscape. As you initiate conversations with key decision makers in your state, it is important for you to equip yourself with knowledge to help you make the case. This resource guide is a living and breathing document that will continue to be updated as new resources, articles, editorials, etc. are published.

It is important to recognize that at the time of publication, there is a court challenge to the coverage requirements for services recommended by the United State Preventative Services Task Force (USPSTF). See below section on the Legal Challenges for more information.

## **Brush up on the basics**

Private insurance is a broad landscape; understanding how private insurance works, who regulates which plans and which coverage requirements apply to which plans can be difficult. Here are a variety of resources that can help you brush up on the basics of the private insurance market.

- [\*Tobacco Cessation Coverage 101: The Basics\*](#)  
This is a series of short videos covering basic information about what a comprehensive tobacco cessation benefit is and what coverage requirements exist in both Medicaid and Private Insurance.
- [\*Tobacco Cessation and Exchange Plans\*](#)  
This factsheet explains what exchange plans are required to cover for tobacco cessation.
- [\*Tobacco Cessation as a Preventive Service: New Guidance Clarifies Affordable Care Act Provision\*](#)  
This one-page document highlights the tobacco cessation coverage requirements for



private insurance, specifically guidance offered from the U.S. Departments of Health and Human Services, Labor and Treasury in 2014.

- [\*Glossary of Terms: Tobacco Cessation Coverage and Health Insurance\*](#)  
As more public health professionals work with health insurance plans to improve cessation coverage, this glossary of health insurance terms will help ensure everyone is using similar terminology in these discussions.
- [\*1332 State Innovation Waivers and Tobacco Cessation\*](#)  
This is a short factsheet about these waivers that create state reinsurance programs that aim to reduce the cost of insurance premiums in the state's exchange. This document discusses the ways that 1332 waivers can impact tobacco cessation coverage.

### **Assess Coverage**

Get an understanding of what tobacco cessation coverage looks like within the private insurance landscape in your state. This is not an easy task and it will be important to determine what data you want to track. This is a timely and complicated process. We recommend having clear goals from the start.

- [\*State Tobacco Cessation Coverage Database\*](#)  
This resource tracks state smoking cessation treatment coverage. It is the only comprehensive summary of state smoking cessation treatment coverage in all 50 states and the District of Columbia.
- [\*State Tobacco Cessation Coverage Environmental Scan Worksheet\*](#)  
This worksheet is designed to assist states in completing an environmental scan of cessation coverage. The North American Quitline Consortium updates this regularly and can be found at North American Quitline Consortium ([naquitline.org](http://naquitline.org)).
- [\*A Guide to Assessing Tobacco Cessation Coverage in Health Plans\*](#)  
This guide walks you through how to assess tobacco cessation in health plans. There are five different assessment sections with template questions. The guide also walks through key considerations and partnerships.



### **Identify Opportunities and Barriers**

In addition to learning about private insurance market requirements for tobacco cessation coverage and assessing coverage in your state, you need to do your homework about the landscape within your state. Asking a series of questions can be incredibly helpful in determining where to focus your efforts:

- Who do I know within the Office of the State Insurance Regulator? Who are my counterparts? (You don't need to meet with the Commissioner!)
- What is the distribution of fully insured plans vs. self-insured plans?\*
- Who do I know within large employers within the state?
- What kind of decisions are being made about health care coverage broadly and specifically, tobacco recently? A quick internet search and scan of local news to get a sense of how decisions are being made and who is making them can be helpful in determining where to focus your efforts in making the case for comprehensive tobacco cessation treatment coverage.

\*The majority of Americans have employer-sponsored health insurance. While it can be hard for employees to recognize whether or not their insurance is a self-insured plan or a fully-insured plan, it is important for public health professionals to understand the differences. A fully insured plan is a plan that is regulated by State Insurance Commissioners, the employer pays the premium and the health insurer assumes risk for cost of care. Self-insured plans are more often larger employers, they are regulated by a federal entity (not the State Insurance Commissioners), the employer determines what benefits to cover and assumes risk for cost of care.

### **Tools and Resources**

There are many resources available to you to help you make the case for the benefits of robust tobacco cessation treatment coverage. You may want to focus on the public health and financial benefits.

- [\*Smoking Cessation: A Report of the Surgeon General\*](#)  
The report highlights the latest evidence on the health benefits of quitting smoking and proven treatments and strategies to help people successfully quit. Please note – this report is focused on cigarette smoking cessation among adults.
- [\*U.S. Healthcare Spending Attributable to Cigarette Smoking in 2014\*](#)  
This study assessed smoking-attributable fractions in healthcare spending between 2010 and 2014, overall and by insurance type (Medicaid, Medicare, private, out-of-pocket, other federal, other) and by medical service (inpatient, non-inpatient, prescriptions).



- [\*Working with your State Insurance Commissioner\*](#)  
This brief was developed by the American Lung Association after interviewing a current and a former state insurance department representative. The document describes different types of private health insurance and highlights the role state insurance commissioners can play in tobacco cessation coverage.
- [\*Partnering with your State Insurance Commissioner to Strengthen Tobacco Cessation Coverage\*](#)  
This webcast from July 13, 2022 highlights the case study above and lessons learned about how to work with the State Insurance Commissioner to improve tobacco cessation coverage.
- [\*Assistors Toolkit\*](#)  
This toolkit is designed to help build relationships between tobacco control, public health professionals and health care enrollment assistors to help new insurance enrollees quit tobacco. It includes information on the challenges posed by tobacco surcharges as well as how open enrollment can be an opportunity to help people quit.
- [\*Tobacco Surcharges\*](#)  
Tobacco addiction is the only health diagnosis allowed to be used in determining health insurance premiums. This document explains what they are and how they can be a hinderance to people who use tobacco to actually access coverage.

### **Legal Challenges**

In September 2022, US District Judge O'Connor ruled that the USPSTF coverage requirement must be vacated and cannot be enforced by the U.S. Department of Health and Human Services. On March 30, the judge ruled that all ACA-compliant plans including employer-sponsored and Medicaid expansion plans are no longer required to cover USPSTF preventive services that were decided upon after March of 2010, without cost-sharing. The 5th Circuit Court of appeals has stayed the decision pending their review of the case. This is an active case and the final outcome has not been decided. Information will be updated as the situation changes. The American Lung Association produced these resources to help State Tobacco Control programs and partners to understand what this can mean for tobacco cessation coverage:

- [\*National Landscape: State Coverage of Preventive Services and Tobacco Cessation Treatment\*](#)  
This brief outlines which states mandate coverage of preventive services, including tobacco cessation.



- [Court Challenges to Preventive Services Requirements: Implications for Helping People Quit Tobacco - webinar.net](#)

This webcast produced in May 2023, provides an overview of the court challenges to the preventive services requirements outlined in the Affordable Care Act and what that could mean for tobacco cessation coverage.

### **Ask for Help**

The American Lung Association's Tobacco Cessation Technical Assistance team is available to help you work to improve access to tobacco cessation. Reach out to [cessationta@lung.org](mailto:cessationta@lung.org) to ask for assistance.

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<sup>1</sup> Centers For Disease Control and Prevention. Smoking and Tobacco Use. Economic Trends in Tobacco: [Economic Cost Estimates Associated With Cigarette Smoking](#). July 26, 2022.

<sup>2</sup> Katherine Keisler-Starkey and Lisa N. Bunch, U.S. Census Bureau, Current Population Reports, P60-278, Health Insurance Coverage in the United States: 2021, U.S. Government Publishing Office, Washington, DC, September 2022. <https://www.census.gov/content/dam/Census/library/publications/2022/demo/p60-278.pdf>