

United States Senate

WASHINGTON, DC 20510

February 17, 2017

The Honorable Thomas E. Price
Secretary
U.S. Department of Health & Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

Dear Secretary Price:

We write with great concern regarding the Trump Administration's decision to eliminate basic information and resources on Healthcare.gov, the website that millions of Americans use to understand, shop for, and purchase health insurance coverage. The Department's decision to strip the website of basic information about healthcare coverage will leave many Americans in the dark as they try to make informed healthcare decisions. Furthermore, it raises the specter of the Administration intentionally causing the Affordable Care Act (ACA) to fail while the law remains on the books.

When paired with the Administration's termination late last month of advertising and outreach during the final, most important week of the open enrollment period, the changes to Healthcare.gov appear aimed at concealing information about affordable coverage options from the American people. While the President during his campaign promised to provide "insurance for everybody" that is higher quality and lower cost, this latest step is yet another effort to do the opposite. Taken together, these actions are clearly designed to reduce the number of people who sign up for insurance through the ACA, putting unnecessary strain on insurance markets, risking American families' access to health care, and creating Trumpcare by sabotage.

Last week, visitors to Healthcare.gov noticed that a great deal of information about the ACA — had been deleted, including critical consumer protections available under the law.¹ Where there had once been easy-to-understand explanations of health care benefits available to consumers, the website now only links to the legislative text of the ACA. Site visitors can no longer see key information about the ACA's provisions, such as:

- Prohibiting insurers from dropping coverage for individuals with pre-existing conditions;
- Allowing young adults – until age 26 – to stay on their parents' health plans;
- Requiring insurers to provide preventive care such as cancer screenings and birth control at no cost to consumers;
- Banning insurance companies from placing monetary caps on lifetime health care coverage; and
- Ensuring that health insurers cover emergency room care;

¹ Dan Mangan, "Trump administration scrubs federal health-care website of positive words about Obamacare," *CNBC*, February 10, 2017, <http://www.cnbc.com/2017/02/10/trump-administration-scrubs-health-website-of-positive-obamacare-words.html>; Paige Winfield Cunningham, "Trump administration strips down Obamacare website," *Washington Examiner*, February 9, 2017, <http://www.washingtonexaminer.com/trump-administration-strips-down-obamacare-website/article/2614414>

In addition, the Trump Administration deleted information for consumers about choosing a doctor; insurance benefits information; reviews of insurance premium increases, and plan cancellation/appeals rights.² Many references or mentions of the Affordable Care Act also have been changed, referencing “current law” or “healthcare law.”

In your testimony before the Committees on Finance and Health Education Labor and Pensions (HELP), you repeatedly stated your commitment to health care accessibility. Yet, the deletions from Healthcare.gov noted above will make it harder for Americans to access basic healthcare information from a trusted clearinghouse. Furthermore, by making it more difficult for consumers to learn about coverage opportunities through a one-stop website, the Trump Administration will put greater demand on call centers, state insurance assistance staff, and local providers’ staff to answer basic questions. It is difficult to reconcile your commitment to affordable, accessible coverage with the Department’s decision to remove information about the ACA that helps consumers understand and obtain just that type of coverage.

As ranking members of the Finance and HELP Committees we share a strong commitment to ensuring that Americans have access to affordable and effective healthcare, and that the ACA is implemented as Congress intended. Given our concerns that the information deleted from Healthcare.gov could have a detrimental effect on millions of Americans, we request that you promptly provide answers to the following questions:

1. Who made the decision to remove information on coverage options and ACA resources from Healthcare.gov? When were you notified of this decision? Please provide a detailed timeline of when the resources previously available on Healthcare.gov became inaccessible to public view.
2. Because millions of consumers use this site to inform health care purchasing decisions, any changes to the site should be carefully researched and supported by data.
 - a. What type of data and analytics did HHS use to support making changes the information on Healthcare.gov?
 - b. Did HHS survey or discuss the changes with any patient groups or other stakeholders?
 - c. Did HHS ensure that the changes were compliant with the Americans with Disabilities Act?
 - d. Please explain how HHS tested the readability of such changes for consumers to ensure they were compliant with federal law.
 - e. Please explain how the potential for lower enrollment in the ACA was evaluated and considered in making changes to Healthcare.gov.
 - f. Please provide all enrollment projections that were undertaken to understand the consequences of potential changes to Healthcare.gov
 - g. Please provide all enrollment projections that were undertaken to understand the consequences of cancellation of advertising in connection with open enrollment.

² Healthcare.gov, “About the Law,” February 1, 2017 (cached on the Internet Archive), <https://web.archive.org/web/20170131004045/https://www.hhs.gov/healthcare/about-the-law/index.html>

3. In addition to the public-facing components of the Healthcare.gov website, the website's "back end" provides critical services to supplement information for enrollees, ensure individuals are properly enrolled, and assist health insurance companies in receiving the information they need. Were any changes made to the "back end" of the website? If so, please detail these changes and provide a detailed outline of notice provided to insurance companies and consumers about such changes.
4. Individuals in 39 states rely on the Healthcare.gov platform to shop for and enroll in health insurance coverage. Did HHS officials inform the relevant state government officials in those 39 states of the plans to remove information from Healthcare.gov? If so, please provide these communications.
5. Eleven states and the District of Columbia operate state-based Marketplaces for their citizens to enroll for coverage. Did HHS officials inform the relevant government officials in those states of the plans to remove information from Healthcare.gov? If so, please provide these communications.
6. To the extent there are (or were) technical problems that led to the removal of information on Healthcare.gov, please provide a technical report on the issue and how it was resolved and/or when it is expected to be resolved.

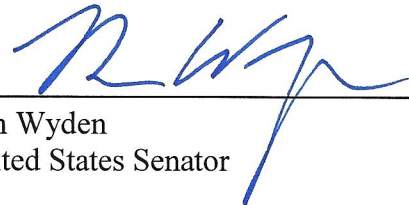
Please provide answers to the above questions no later than the close of business on Friday, March 3, 2017. In the meantime, if you or your staff have any questions, please contact Beth Stein with the HELP Committee at 202-224-2931 and Peter Gartrell with Senator Wyden at 202-224-4515.

Thank you for your attention to this matter.

Sincerely,



Patty Murray
United States Senator



Ron Wyden
United States Senator