

# Congress of the United States

Washington, DC 20510

September 29, 2017

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

Dear Secretary Price:

We are alarmed by reports that the U.S. Department of Health and Human Services (“HHS” or “Department”) has barred its 10 Regional Offices from appearing at Marketplace Open Enrollment events less than five weeks before the sign-up season begins.<sup>1</sup> The Department has a responsibility to provide consumers, organizations, and local government agencies involved in Marketplace outreach and enrollment with updates and guidance regarding the agency’s policies and positions. The Trump Administration’s latest effort to sabotage health care will likely lead to additional confusion, creating unnecessary barriers for patients and families seeking to purchase insurance.

This latest directive is particularly concerning given that the Trump Administration has already halved the window for consumers to buy insurance to just 45 days. This year’s Open Enrollment period begins November 1<sup>st</sup> and ends December 15<sup>th</sup>, while in the past, the sign-up period was 90 days. The Department’s directive to halt Regional Office outreach and assistance – which seems to have been made with no explanation or advance notice – deprives community organizations, insurance officials, health care providers, and most critically consumers of a crucial source of information about federal policy. Regional Directors and staff members are uniquely positioned to provide the most up-to-date guidance to people seeking to buy insurance through the Affordable Care Act’s (ACA) Individual Marketplaces or to sign up for Medicaid coverage. Furthermore, the timing of HHS’s decision leaves local and community organizations with few options to change consumer outreach strategies.

The Trump Administration has drastically cut funds critical for consumers to obtain health insurance. In the past nine months, the Administration has taken a number of actions that make it much harder for consumers to get and keep insurance, including:

- Shortening the Open Enrollment period to 45 days;
- Decreasing the number of staff at ACA marketplace call centers;

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<sup>1</sup> [https://www.buzzfeed.com/katenocera/the-trump-administration-wont-support-state-obamacare?utm\\_term=.caag8vJJMv#.ytdOkNooVN](https://www.buzzfeed.com/katenocera/the-trump-administration-wont-support-state-obamacare?utm_term=.caag8vJJMv#.ytdOkNooVN); <https://www.vox.com/policy-and-politics/2017/9/27/16374158/obamacare-mississippi-hhs-events>

- Reducing funding for advertising by 90%;
- Reduced funding for the Navigator outreach grant program by over 40%;
- Taking *Healthcare.gov* offline during weekend day-time hours, further reducing the time available for consumers to purchase coverage;
- Issuing misleading public statements about the law's effectiveness; and
- Threatening to cease cost-sharing reduction payments, which help low-income consumers afford insurance.

As Teresa Miller, Acting Secretary of Pennsylvania's Department of Health and Human Services, told the Health, Education, Labor & Pensions Committee, "[r]educing outreach efforts at the Federal level combined with a shortened enrollment period for 2018 will do nothing but leave more people without coverage and could raise rates for people left in the market."<sup>2</sup> Former CMS Acting Administrator Andy Slavitt similarly expressed concerns in testimony to the Senate Finance Committee, saying that consumers are unaware the Trump Administration has "cut the open enrollment period in half," and that, in fact, "many people think we've repealed the ACA to boot because of all the rhetoric."<sup>3</sup>

The Department's internal documents show that ACA advertising and outreach had been effective during previous open enrollment periods, suggesting that limiting advertising and outreach will result in heightened confusion and depressed enrollment.<sup>4</sup> By reducing the available time to purchase – and learn about – health insurance through the ACA Marketplaces, the Trump Administration is risking the health of millions who rely on the individual and small business marketplace for health insurance coverage.

Given the concern about this directive to further limit enrollment, please provide a briefing by no later than October 13<sup>th</sup> with information and documents that answer the following questions:

1. Why did HHS direct its Regional Offices not to participate in ACA outreach and enrollment events?
2. Did concerns about the budgetary impact of travel have any influence on the directive by HHS to its Regional Offices?
3. When was this decision made at HHS headquarters, and by whom? When was it communicated to Regional Offices? When was it communicated to stakeholder groups and/or state, local and tribal governments?

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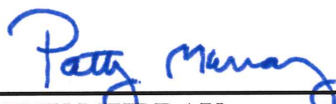
<sup>2</sup> Senate Committee on Health, Education, Labor & Pensions, Hearing on Stabilizing Premiums and Helping Individuals in the Individual Insurance Market for 2018: State Insurance Commissions (Sept. 6, 2017).


<sup>3</sup> Senate Committee on Finance, Hearing on Health Care: Issues Impacting Cost and Coverage (Sept. 12, 2017).


4. Given that HHS continues to cut outreach and education programs related to the ACA, how does HHS plan to address consumer education and outreach needs through other channels?
5. Is there any precedent for HHS to ban Regional Offices from participation in events related to the programs the Department is statutorily required to administer?


We urge you to immediately reconsider and reverse this harmful directive to HHS Regional Offices. Please direct any questions to Elizabeth Letter of Senator Murray's HELP Committee staff (202-224-6403), Peter Gartrell on Senator Wyden's Finance Committee staff (202-224-4515), Kevin Barstow of Senator Casey's Aging Committee staff (202-224-0185), Una Lee of the House Energy and Commerce Committee's minority staff (202-225-3641), or Melanie Egorin of the House Ways and Means Committee's minority staff (202-225-4021). Thank you for your attention to this important issue.

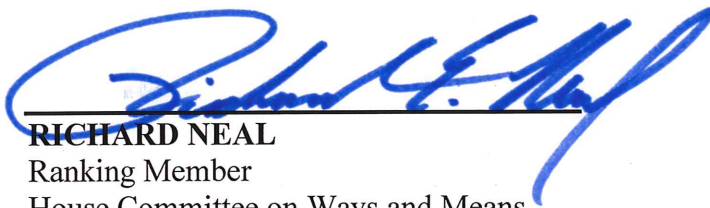
Sincerely,

  
PATTY MURRAY  
Ranking Member  
Senate HELP Committee

  
RON WYDEN  
Ranking Member  
Senate Finance Committee

  
ROBERT P. CASEY, JR.  
Ranking Member  
Senate Aging Committee

  
FRANK PALLONE, JR.  
Ranking Member  
House Committee on Energy and  
Commerce

  
RICHARD NEAL  
Ranking Member  
House Committee on Ways and Means