

Congress of the United States

Washington, DC 20510

December 13, 2017

The Honorable Eric D. Hargan
Acting Secretary
U.S. Department of Health and Human Services
200 Independence Avenue, SW
Washington, DC 20201

The Honorable Seema Verma
Administrator
Centers for Medicare & Medicaid Services
7500 Security Boulevard
Baltimore, MD 21244

Dear Acting Secretary Hargan and Administrator Verma:

According to news reports, it remains unclear whether the Department of Health and Human Services and the Centers for Medicare & Medicaid Services (CMS) will offer people seeking to obtain health coverage on the final day of eligibility this Friday, December 15, a grace period if they are unable to access HealthCare.gov due to high demand. It is uncertain if potential enrollees waiting in line at midnight on December 15 to either enroll or to complete a previously started application will in fact be left with no opportunity to be insured in 2018.¹ We therefore call on you to offer a grace period this year, ensuring that all potential enrollees waiting to register for coverage at midnight on December 15 will be processed and will be able to receive vital health care coverage.

Fortunately, there have been few technical glitches thus far through this year's Open Enrollment, allowing those who have visited HealthCare.gov to enroll with few hurdles. Yet, as in past years, there will likely be a surge of interest in the final days and hours of Open Enrollment. Under the previous Administration, HealthCare.gov employed a model of placing consumers in waiting rooms to ensure the website could handle the higher levels of traffic. Potential enrollees who were left "in line" at midnight at the end of the Open Enrollment period were then given a grace period to obtain coverage. This ensured that all those interested in receiving health coverage who had taken steps to enroll within the Open Enrollment period were able to do so. Despite significant interest from consumers in enrolling for health coverage for plan year 2018, CMS has not yet indicated whether it plans to offer such a grace period this year.

¹ *CMS Expected To Eliminate Grace Periods For 'In-Line' Enrollees Shut Out by Healthcare.Gov*, Inside Health Policy (Dec. 11, 2017).

You have previously stated that the Department is “committed to making this year’s enrollment as consumer-friendly as possible.”² We hope you will carry through with that goal and commit to offering a grace period for potential enrollees still waiting to enroll at midnight on December 15.

Sincerely,



Patty Murray
Ranking Member
Senate Committee on Health,
Education, Labor and Pensions



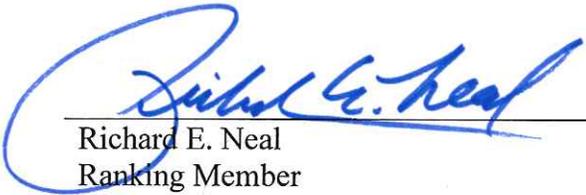
Ron Wyden
Ranking Member
Senate Committee on Finance



Robert P. Casey, Jr.
Ranking Member
Senate Special Committee on Aging



Frank Pallone, Jr.
Ranking Member
House Committee on Energy and
Commerce



Richard E. Neal
Ranking Member
House Committee on Ways and Means

² <https://www.hhs.gov/about/leadership/secretary/speeches/2017-speeches/remarks-on-health-reform-to-the-american-action-forum-and-the-council-for-affordable-health-care.html>