

United States Senate

WASHINGTON, DC 20510

October 3, 2019

The Honorable Alex Azar
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 Secretary Azar and Administrator Verma:

We write to express our concern with the Administration's repeated efforts to weaken protections for Americans with preexisting conditions and increase costs for millions, including through a new rule¹ which allows for harmful waivers that weaken protections for vulnerable populations and exacerbate the damage already being caused by the expansion of short-term, limited-duration insurance, or "junk" plans. We have heard from patients, physicians, independent experts, and other health care stakeholders that individuals with preexisting conditions are being negatively impacted by your Administration's actions. More recently, we have seen the real world negative impact on individuals who have unknowingly enrolled in these deceptively marketed junk plans.

We have heard directly from individuals with preexisting conditions and other Americans who are being negatively impacted by junk plans. Just this month, Bloomberg reported Arizona resident David Diaz unknowingly purchased a short-term health plan that did not cover preexisting conditions and placed ambiguous limits on emergency room care and other essential health care services. His family has been left with hundreds of thousands of dollars in medical debt². The Washington Post similarly reported on Jesse Lynn, who purchased a short-term health plan not realizing his back problem would be considered a preexisting condition. Jesse's insurance company refused to cover his care – forcing his family into bankruptcy³. No family

¹ <https://www.kff.org/health-reform/issue-brief/new-rules-for-section-1332-waivers-changes-and-implications/>

² <https://www.bloomberg.com/news/features/2019-09-17/under-trump-health-insurance-with-less-coverage-floods-market>

³ https://www.washingtonpost.com/health/uva-has-ruined-us-health-system-sues-thousands-of-patients-seizing-paychecks-and-putting-liens-on-homes/2019/09/09/5eb23306-c807-11e9-be05-f76ac4ec618c_story.html

should be forced into bankruptcy because of a preexisting medical condition or obscure coverage limits on care.

The Patient Protection and Affordable Care Act (ACA) established clear protections to prohibit insurance companies from discriminating against individuals with preexisting conditions, and ensure that more Americans have access to affordable and comprehensive health insurance. The junk plans your Administration has sought to expand and promote provide none of these protections and can legally increase premiums, exclude benefits, and deny coverage altogether to individuals with preexisting conditions. These plans place arbitrary coverage limits and many don't cover essential health benefits, such as mental health care and maternity care.

The Administration's rule on state waivers allows taxpayer dollars to go to these junk plans, accelerating the problems we are already seeing with junk plans and leaving fewer resources for people who purchase high quality insurance.

Additionally, the Administration's new rule weakens coverage by allowing waivers that increase premiums and out-of-pocket costs for those who need health care most.

We have worked tirelessly to protect individuals with preexisting conditions from barriers to coverage. We urge you to do the same, including by limiting the proliferation of short-term junk plans and ensuring that consumers in every state are protected by federal consumer protections for people with preexisting conditions. Thank you and we look forward to your response.

Sincerely,



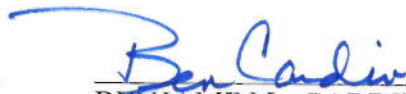
MARK R. WARNER
United States Senator



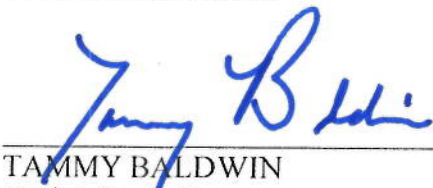
RON WYDEN
United States Senator



PATTY MURRAY
United States Senator



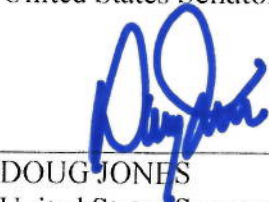
BENJAMIN L. CARDIN
United States Senator



TAMMY BALDWIN
United States Senator



JEANNE SHAHEEN
United States Senator



DOUG JONES
United States Senator



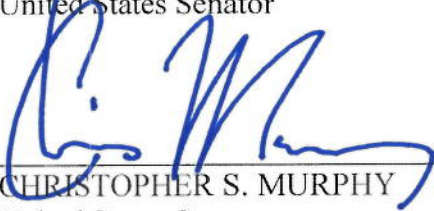
RICHARD J. DURBIN
United States Senator



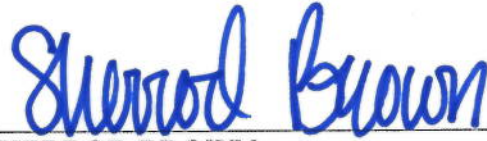
SHELDON WHITEHOUSE
United States Senator



CHRISTOPHER A. COONS
United States Senator



CHRISTOPHER S. MURPHY
United States Senator



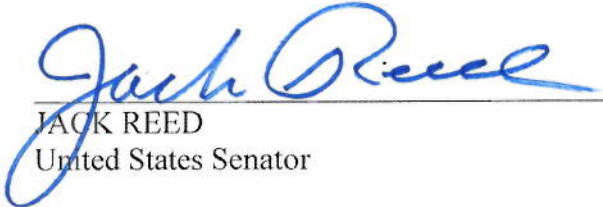
SHERROD BROWN
United States Senator



ROBERT MENENDEZ
United States Senator



CHRIS VAN HOLLEN
United States Senator



JACK REED
United States Senator



DEBBIE STABENOW
United States Senator



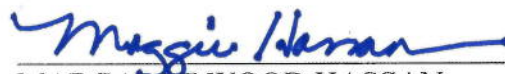
ROBERT P. CASEY, JR.
United States Senator



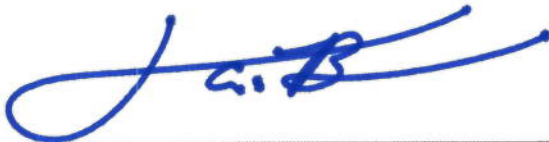
EDWARD J. MARKEY
United States Senator



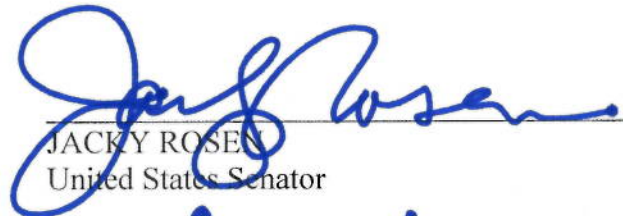
AMY KLOBUCHAR
United States Senator



MARGARET WOOD HASSAN
United States Senator



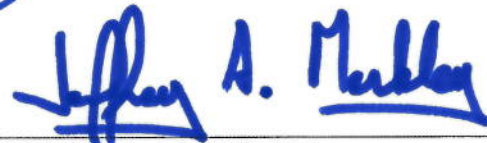
CORY A. BOOKER
United States Senator



JACKY ROSEN
United States Senator



KIRSTEN GILLIBRAND
United States Senator



JEFFERY A. MERKLEY
United States Senator



TIM KAINÉ
United States Senator



TINA SMITH
United States Senator



PATRICK LEAHY
United States Senator



MAZIE K. HIRONO
United States Senator




TAMMY DUCKWORTH
United States Senator



MARIA CANTWELL
United States Senator



THOMAS R. CARPER
United States Senator



TOM UDALL
United States Senator



MARTIN HEINRICH
United States Senator



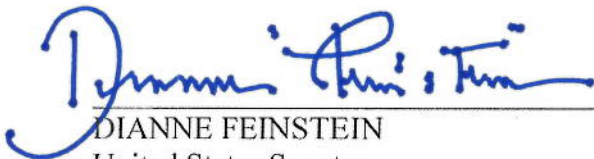
KAMALA D. HARRIS
United States Senator



BRIAN SCHATZ
United States Senator



ELIZABETH WARREN
United States Senator



DIANNE FEINSTEIN
United States Senator



JOE MANCHIN III
United States Senator



GARY C. PETERS
United States Senator



CHARLES E. SCHUMER
United States Senator