

Congress of the United States
Washington, DC 20515

October 11, 2017

The Honorable Seema Verma
Administrator
Centers for Medicare and Medicaid Services
Department of Health and Human Services
Room 445-G, Hubert H. Humphrey Building
200 Independence Ave., S.W. Washington, DC 20201

Dear Administrator Verma:

We write to express disappointment that President Donald Trump's Administration has made a concerted effort to undermine the many Americans who seek to protect themselves and their families by gaining health insurance. The Administration's actions regarding the Affordable Care Act (ACA) have thrown millions of families and individuals into uncertainty weeks before the open enrollment period begins, which the Department of Health and Human Services (HHS) has inexplicably condensed from 90 days to 45 days. We are concerned that actions taken by HHS will impact Americans and Ohioans alike, and we ask that information be provided on the following:

The ACA Navigator program provides grants to help families and individuals enroll in coverage through the Marketplace, provides unbiased community outreach and education, and assists consumers throughout the year. Ohio has only one federally-funded navigator grantee, the Ohio Association of Foodbanks, which works with nine consortium organizations, many of which are in our districts. Unfortunately, the Ohio Association of Foodbanks was forced to exit the navigator program due to a 71% funding reduction, leaving the state with no navigators, and laying off 54 area employees.¹ We would like to know 1) Why were grantees notified only 41 days before open enrollment (September 22, 2017) that their funding would be cut? 2) In the absence of the ACA navigator program, how does the Centers for Medicare and Medicaid Services (CMS) plan to assist consumers who seek support with enrollment, both nationally and in Ohio?

In August, HHS announced that the ACA advertising budget would be cut by 90%, from \$100 million to \$10 million. Speaking on the Affordable Care Act and open enrollment, a source at HHS said that, "most Americans are aware of the program at this point in time."² The Administration has made many changes around open enrollment that "most Americans" will not know. CMS under the former Administration stated television advertisements proved to be the most cost-effective way to encourage enrollment, but the current Administration will not be

running any TV ads this year.³ We would like to know 1) What evidence did the Administration utilize in its decision to zero out spending on TV advertising? 2) How does the Administration plan to reach at risk Ohioans with the remaining budget?

In September, HHS told its 10 regional directors not to participate in state-based education events before open enrollment. Many marketplace pre-enrollment events have already been planned for months, bringing together navigators, insurance brokers, state officials, and community health centers.⁴ We would like to know 1) Why are regional directors being prevented from attending pre-enrollment events?

On September 22, HHS reported that HealthCare.gov, the federally operated marketplace, would be offline for all but one Sunday during the 45-day open enrollment period due to maintenance. Except for December 10, the site will be inaccessible between 12:00am and 12:00pm (EST) each Sunday and on Wednesday, November 1, the first day of open enrollment.⁵ We would like to know 1) What steps has the Administration taken prior to open enrollment to ensure the website remains online and available for Americans? 2) Why did HHS chose to conduct maintenance on the website during critical open enrollment hours?

While President Trump has repeatedly called for allowing the Affordable Care Act to “collapse,” it appears that the Administration is abdicating its legal responsibility to conduct outreach and assistance to help American families and individuals who simply wish to have access to health insurance coverage. The foot soldiers in Ohio who have worked for years to help people enroll in marketplace coverage are left without support. Individuals will now be without the help they need to enroll in health care plans even though every American is required to have health insurance under current law, and face tax consequences if they fail to obtain coverage. This lack of support is due to arbitrary budget cuts, time restrictions, and ultimately a politicized process, which will not benefit the American people.

Given the fast approaching window of open enrollment, we appreciate your speedy attention to this request and look forward to your detailed answers to the above questions.

Sincerely,


Marcy Kaptur
Member of Congress


Tim Ryan
Member of Congress


Marcia L. Fudge
Member of Congress


Joyce Beatty
Member of Congress

¹ Ohio Association of Foodbanks. (2017, September 22). *After weeks of delay, continued uncertainty and unwarranted budget cuts, Ohio Association of Foodbanks to exit federal ACA Navigator program* [Press release]. Retrieved October 6, 2017, from <http://ohiofoodbanks.org/files/2017-18/Press-Statement-Ohio-Association-of-Foodbanks-Exits-Navigator-Program.pdf>

² Lodes, L. (2017, September 12). "I ran ACA outreach under Obama. Trump's funding cuts could ruin the health care law." Retrieved October 6, 2017, from <https://www.vox.com/the-big-idea/2017/9/12/16294784/aca-outreach-advertising-sabotage-funding>

³ Kliff, S. (2017, August 31). Trump is slashing Obamacare's advertising budget by 90%. Retrieved October 6, 2017, from <https://www.vox.com/2017/8/31/16236280/trump-obamacare-outreach-ads>

⁴ Mangan, D. (2017, September 27). Trump administration health reps told not to participate in Obamacare outreach nationwide: Reports. Retrieved October 6, 2017, from <https://www.cnn.com/2017/09/27/federal-health-reps-told-not-to-participate-in-obamacare-outreach.html>

⁵ Livingston, S. (2017, September 22). HealthCare.gov to go dark for 12 hours nearly every Sunday of open enrollment. Retrieved October 6, 2017, from <http://www.modernhealthcare.com/article/20170922/NEWS/170929945>