



Charles N. Kahn III
President and CEO

February 12, 2019

The Honorable Anna Eshoo
Chairwoman
Health Subcommittee
House Committee on Energy & Commerce
2125 Rayburn House Office Building
Washington, DC 20515

Dear Chairwoman Eshoo,

Thank you for holding the hearing, “Strengthening our Health Care System: Legislation to Reverse ACA Sabotage and Ensure Pre-Existing Condition Protections,” and for your work to advance legislation that will preserve and strengthen the Patient Protection and Affordable Care Act (ACA). A great number of our patients, throughout the country, depend on the comprehensive coverage they purchase through the ACA’s Marketplaces and we look forward to working with you to help sustain and improve that coverage.

We are supportive of the legislation (H.R. 986; H.R. 987; H.R. 1010; H.R. 1143) that the Subcommittee is considering as part of the hearing. The legislation seeks to address recently enacted policies that will make it harder for individuals to obtain meaningful health care coverage.

In public comments^{1,2}, the FAH expressed significant concern with these policies. Specifically, the FAH opposes the revisions to the implementing guidance to Section 1332 of the ACA as we believe the changes are not consistent with either the spirit or the meaning of the law and appear to be intended to encourage more enrollment in plans that do not cover a minimum set of essential benefits. We believe that this guidance, if acted on by states, will do great harm to the individual market, undermining its overall stability. As with our opposition to the revisions to the Section 1332 guidance, we have similar concerns with the recently finalized changes to the definition of short-term limited duration (STLD) plan. The new definition will put consumers at increased risk of inadequate and insufficient coverage and will likely harm the individual health insurance markets. These impacts would be particularly felt in states that do not restore reasonable limits on the duration of such coverage through state insurance regulation.

¹ https://fah.org/fah-ee2-uploads/website/documents/FAH_comment_letter_STLD_proposed_rule.pdf

² <https://fah.org/fah-ee2-uploads/website/documents/FAH.1332.Guidance.Comment.Letter.12.21.18.pdf>

We appreciate your work to highlight and act on these important matters. Millions of American patients have benefited greatly from the coverage they gained through implementation of the ACA. We look forward to working with you to support the ACA so these coverage gains can be sustained, expanded and improved.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark R. Warner". The signature is fluid and cursive, with a large initial "M" and "R".

cc: The Honorable Frank Pallone, Chairman, House Committee on Energy & Commerce