

ONE HUNDRED THIRTEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115

Majority (202) 225-2927
Minority (202) 225-3641

June 28, 2013

The Honorable Kathleen Sebelius
Secretary
U.S. Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20221

Dear Secretary Sebelius:

Pursuant to Rules X and XI of the U.S. House of Representatives, we write to you regarding the recent update by the Department of Health and Human Services (HHS) of the “Essential Community Provider” (ECP) list.¹

The Patient Protection and Affordable Care Act (PPACA) requires that insurers offering plans on the Health Insurance Marketplaces, or exchanges, include a “sufficient number and geographic distribution” of providers that serve predominantly “low-income, medically underserved individuals.” These providers are referred to as Essential Community Providers. This requirement was described in an April 5, 2013, letter to insurers from the Center for Medicare and Medicaid Services (CMS) Center for Consumer Information and Insurance Oversight (CCIIO).

HHS maintains a “non-exhaustive” database of these providers on the website of CMS.² When this database was updated recently, it included over 17,000 organizations. Included in this list of approved Essential Community Providers are private and public organizations, hospitals, state and local health departments, and community health centers as well as 639 Planned Parenthood clinics.

Public reports indicate that Planned Parenthood plans to engage in significant outreach promoting the PPACA. Eric Ferrero, Planned Parenthood vice president for communications, acknowledged that Planned Parenthood’s “goal is to provide localized information so that if you walk into a health center in Florida, you will know about new insurance options and benefits that

¹ <https://data.cms.gov/dataset/Non-Exhaustive-List-of-Essential-Community-Providers/ibqy-mswq>

² http://www.cms.gov/CCIIO/Resources/Regulations-and-Guidance/Downloads/2014_letter_to_issuers_04052013.pdf

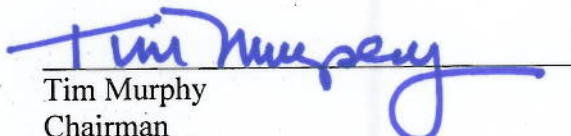
are available in that area.”³ To that end, Planned Parenthood has created refrigerator magnets and online applications to assist in enrollment. In addition, some Planned Parenthood affiliates plan to become official government-funded “Navigators” under the PPACA, so that they may directly advise individuals on enrollment.


In order to help the Committee better understand the PPACA’s requirements relating to Essential Community Providers, we ask that you provide the following information by July 12, 2013:

1. The criteria that CMS uses when evaluating whether a health care facility will be listed as an essential community provider;
2. All documents provided to either HHS or the Center for Consumer Information and Insurance Oversight (CCIIO) by Planned Parenthood concerning their identification as an Essential Community Provider. This would include, but is not limited to, communications between administration representatives and Planned Parenthood, including e-mails.
3. All documents submitted to either HHS or CCIIO by insurers or their representatives concerning the approval of Planned Parenthood as an Essential Community Provider. This would include, but is not limited to, communications between administration representatives and the insurance industry (and their representatives), including e-mails.
4. Explain whether the PPACA or its regulations permit an Essential Community Provider to also serve as a Navigator or Assister.

Should you have any questions regarding this request, please contact Committee staff at (202) 225-2927. Thank you for your attention to this matter.

Sincerely,


Tim Murphy
Chairman
Subcommittee on Oversight and
Investigations


Joe Pitts
Chairman
Subcommittee on Health

³ Kathryn Smith, *With ACA outreach role, Planned Parenthood sees potential, pushback*, POLITICO PRO, June 19, 2013 available at <https://www.politicopro.com/go/?id=23306>.

Letter to the Honorable Kathleen Sebelius
Page 3

Marsha Blackburn Joe Barton

Marsha Blackburn
Vice Chairman

Joe Barton
Chairman Emeritus

cc: The Honorable Henry A. Waxman, Ranking Member