May 31, 2017

The Honorable Tom Price, MD
Secretary
U.S. Department of Health and Human Services
200 Independence Avenue, SW
Washington, DC 20201

Dear Secretary Price:

As you assume your role leading the Department of Health and Human Services (HHS) and the many important programs under its purview, we encourage you to take steps to prevent discrimination against our nation’s sickest patients that limits their ability to choose the health insurance plan that best meets their needs. There is broad bipartisan support in Congress for protecting the ability of charitable assistance programs to provide premium and cost sharing assistance to patients enrolled in qualified health plans (QHPs) and other insurance products.

We are writing today to express our continued concern regarding the health insurance premium assistance rule promulgated in 2014 by the Centers for Medicare and Medicaid Services entitled Third Party Payment of Qualified Health Plan Premiums (CMS-8943-IFC). For approximately three years, this rule has encouraged QHPs to discriminate against Americans with rare diseases, chronic illnesses and other catastrophic conditions by rejecting them on the basis of the insurance premium and cost sharing assistance that they receive from nonprofit organizations. This practice essentially allows insurers to “steer” patients to the government or to other plans to avoid providing coverage.

Nonprofit patient assistance organizations provide vital services to Americans who suffer from rare and chronic conditions. These organizations serve as a safety net for those most in need, enabling access to life-sustaining and life-saving therapies while preventing individuals and families from experiencing financial crises, such as bankruptcy and home foreclosures.

Historically, the nonprofit charities that meet the HHS Office of Inspector General’s strict criteria for bona fide charitable assistance programs have been able to provide patient assistance to beneficiaries in need. Charities should not be blocked from offering health insurance premium and cost sharing assistance to patients who need this assistance. Nonprofit patient assistance programs offer many of the nation’s sickest patients a bridge to critical care.

We urge HHS to swiftly correct this policy and issue a new rule that adds the following to the existing list of entities from which premium and cost sharing assistance is required to be accepted: (1) nonprofit charitable organizations; (2) places of worship; and (3) local civic organizations. To ensure charitable assistance is offered in good faith by bona fide nonprofit
organizations, these entities must maintain compliance with all applicable federal laws including the False Claims Act (Section 3729 through 3733 of Title 31, USC). Additionally, these programs must ensure that patients are empowered to select the plan that works best for their needs based on their own health and financial considerations. By allowing charitable assistance from these entities to continue, HHS will protect and reinforce the safety net for many patients.

Thank you for your time and attention to this request. We look forward to working with you to ensure HHS policies do not unfairly discriminate against our nation’s most vulnerable patients. If you have any additional questions, please contact Ryan Nelson in the office of Congressman Kevin Cramer at ryan.nelson@mail.house.gov or Megan Herber in the office of Congresswoman Doris Matsui at megan.herber@mail.house.gov.

Sincerely,

Kevin Cramer, Member of Congress

Doris Matsui, Member of Congress

Bob Goodlatte, Member of Congress

Doug Lamborn, Member of Congress

Tim Ryan, Member of Congress

Robert Latta, Member of Congress

Dwight Evans, Member of Congress

Eric Swalwell, Member of Congress

Ben Ray Lujan, Member of Congress

Tom Garrett, Member of Congress
Brad Wenstrup, Member of Congress

Lisa Blunt Rochester, Member of Congress

Nanette Barragán, Member of Congress

Chris Collins, Member of Congress

Joyce Beatty, Member of Congress

J. Luis Correa, Member of Congress

Suzan DelBene, Member of Congress

Tom Marino, Member of Congress

Gerald E. Connolly, Member of Congress

Terri Sewell, Member of Congress

Derek Kilmer, Member of Congress

Frederica Wilson, Member of Congress

F. James Sensenbrenner, Jr., Member of Congress

Mike Conaway, Member of Congress

Pete Aguilar, Member of Congress

Francis Rooney, Member of Congress
John Faso, Member of Congress
Alcee L. Hastings, Member of Congress
William R. Keating, Member of Congress
Alan Lowenthal, Member of Congress
Rob Bishop, Member of Congress
Tim Walz, Member of Congress
Don Bacon, Member of Congress
Salud Carbajal, Member of Congress
Steve Chabot, Member of Congress
David Scott, Member of Congress
Gregory W. Meeks, Member of Congress
Albio Sires, Member of Congress
Brett Guthrie, Member of Congress
David E. Price, Member of Congress
Karen Bass, Member of Congress
Sanford D. Bishop, Jr., Member of Congress

Niki Tsongas, Member of Congress

Jacky Rosen, Member of Congress

Jason Smith, Member of Congress

Roger Marshall, Member of Congress

Ileana Ros-Lehtinen, Member of Congress

Suzanne Bonamici, Member of Congress

Bill Posey, Member of Congress

Barry Loudermilk, Member of Congress

Adam Smith, Member of Congress

Bennie G. Thompson, Member of Congress

Barbara Lee, Member of Congress

Marcia L. Fudge, Member of Congress

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Blaine Luetkemeyer, Member of Congress
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Lois Frankel, Member of Congress
Brian Mast, Member of Congress
Brian Fitzpatrick, Member of Congress
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Scott Peters, Member of Congress
Jim Costa, Member of Congress
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Pete Olson, Member of Congress

Ruben Gallego, Member of Congress

Bill Pascrell, Jr., Member of Congress

Stacey Plaskett, Member of Congress

Bill Huizenga, Member of Congress

Colleen Hanabusa, Member of Congress

Hank Johnson, Member of Congress

Charlie Crist, Member of Congress

David Schweikert, Member of Congress

Ruben J. Kihuen, Member of Congress