

Congress of the United States
Washington, DC 20515

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



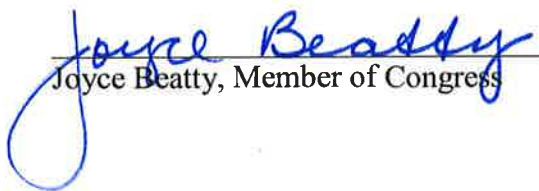
Tom Garrett, Member of Congress

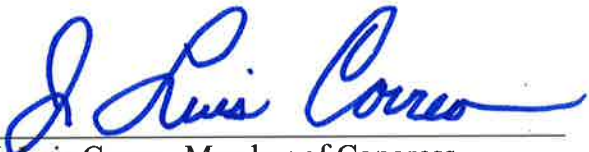

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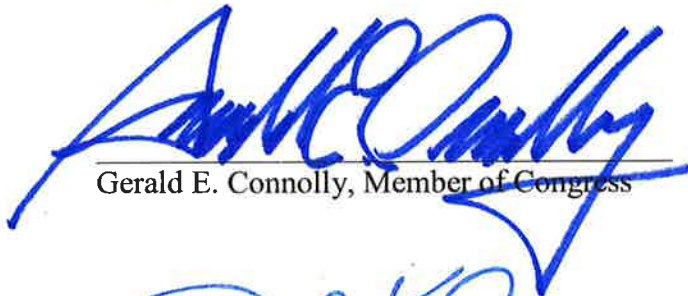

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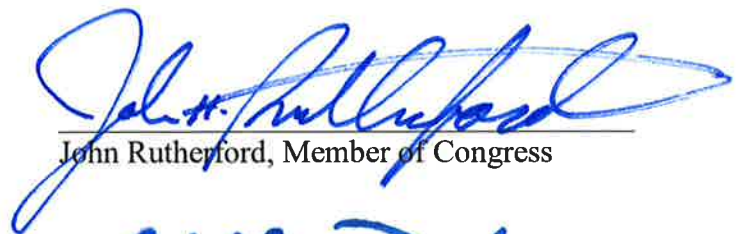


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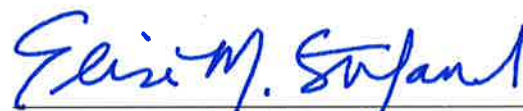

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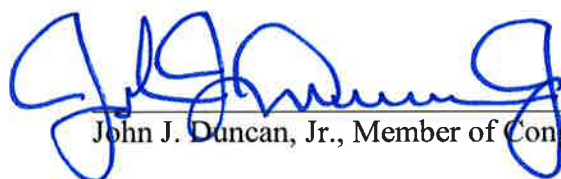

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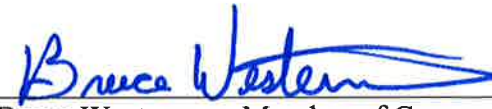

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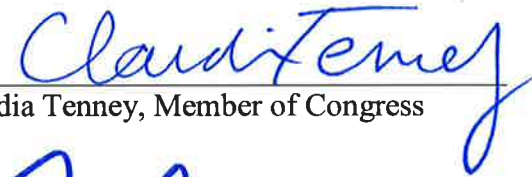

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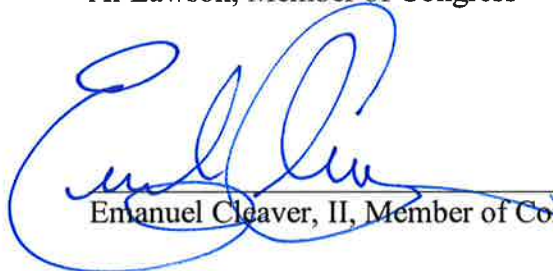

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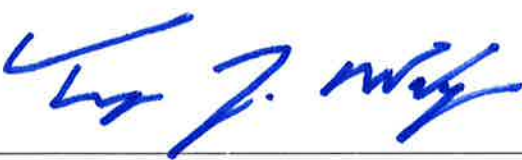
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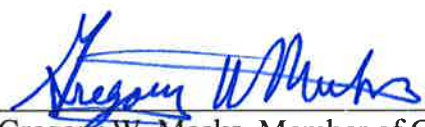
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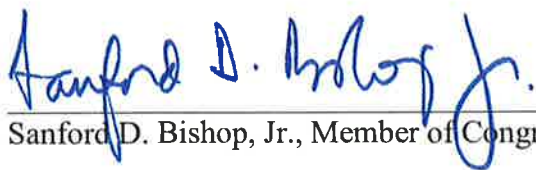
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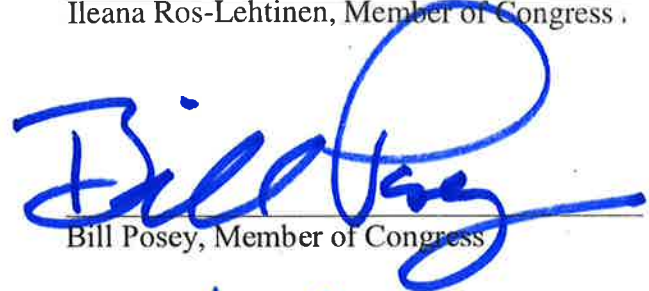

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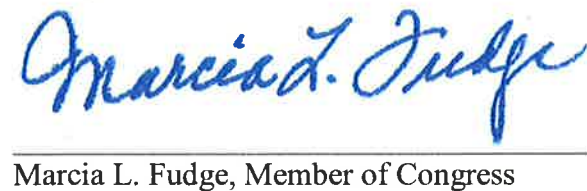

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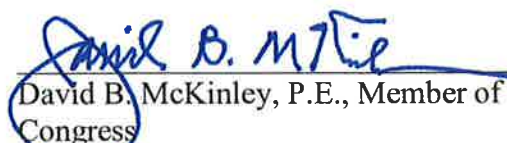

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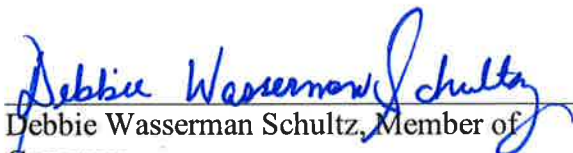

Katherine Clark, Member of Congress

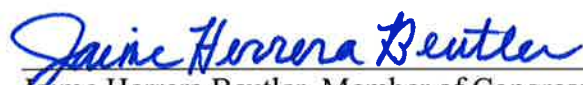

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Jose E. Serrano, Member of Congress


Leonard Lance, Member of Congress


Rodney Davis, Member of Congress



Sean P. Duffy, Member of Congress



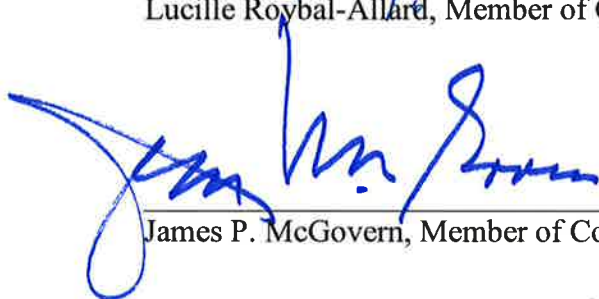
Julia Brownley, Member of Congress



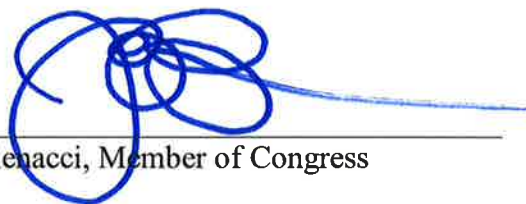
Lucille Roybal-Allard, Member of Congress



John Culberson, Member of Congress



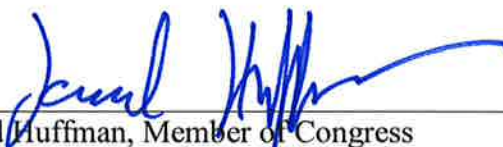
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Jim Renacci, Member of Congress



Chellie Pingree, Member of Congress



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Ami Bera, Member of Congress



Yvette D. Clarke, Member of Congress



Scott Taylor, Member of Congress



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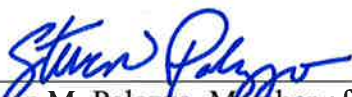
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Blaine Luetkemeyer, Member of Congress



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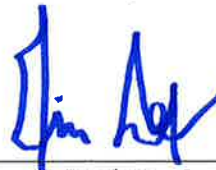
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Scott Peters, Member of Congress



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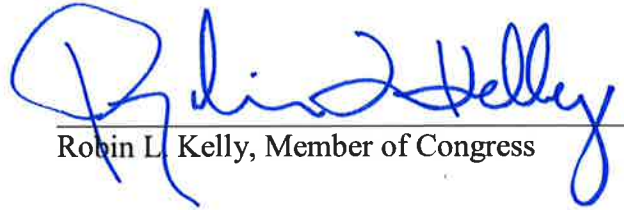
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Michelle Lujan Grisham, Member of Congress



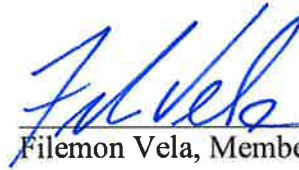
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Robin L. Kelly, Member of Congress



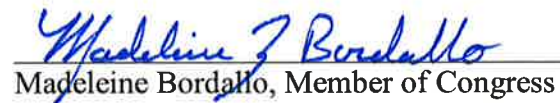
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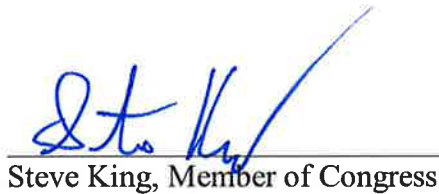
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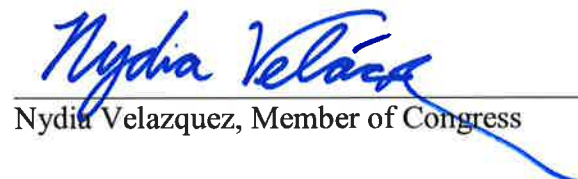
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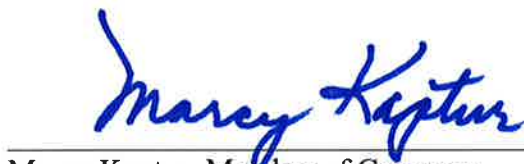
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Tony Cardenas, Member of Congress



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Marcy Kaptur, Member of Congress



Mia Love, Member of Congress



Val Demings, Member of Congress



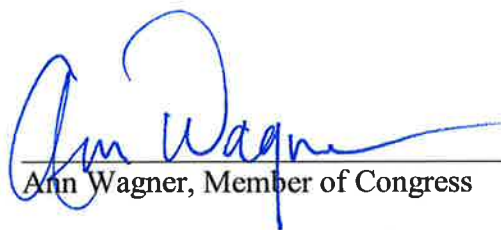
Stacey Plaskett, Member of Congress



Judy Chu, Member of Congress



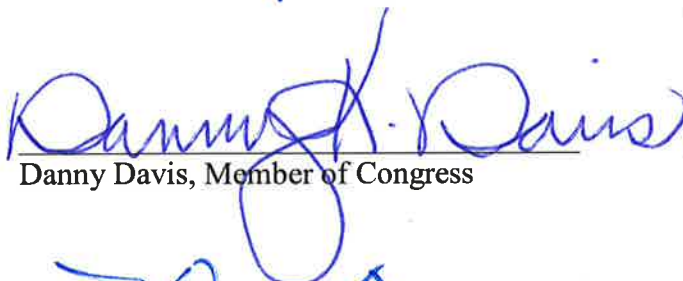
Bill Huizenga, Member of Congress



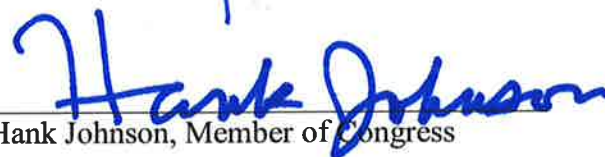
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Colleen Hanabusa, Member of Congress



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Pete Olson, Member of Congress



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