

I AM (Still) ESSENTIAL

The Honorable Sylvia Mathews Burwell
Secretary of Health and Human Services
200 Independence Avenue SW
Washington, D.C. 20201

August 3, 2015

Re: Delaying Maximum Out-of-Pocket Cost-Sharing Limits

Dear Madame Secretary:

We are writing on behalf of the “I Am (Still) Essential” Coalition, a broad group of patient and community organizations representing millions of patients and their families. Over the past several years, we have worked to ensure implementation of the Affordable Care Act (ACA) meets the needs of patients, especially those living with chronic conditions, so they can receive quality and affordable health care.

We are concerned about statements in your testimony before the House Education and Workforce Committee last week, in which you reported the Department of Health and Human Services is considering a delay in enforcing new requirements on maximum out-of-pocket limits for cost-sharing before they are to go into effect for plan year 2016.

As we communicated to you in our [letter](#) on April 30 of this year, the out-of-pocket maximum is a key consumer protection included in the Affordable Care Act (ACA) and we hope you share our commitment to defend against its erosion and keep this important patient protection strong. As you noted in your testimony, having this protection serves as a meaningful backstop against catastrophic out-of-pocket costs for insured families and individuals.

We wish to convey our strong endorsement of the clarification in the final 2016 Notice of Benefit and Payment Parameters (NBPP) that an individual enrolled in a family plan will not be required to pay more than the individual out-of-pocket maximum for his or her care (and not the higher family out-of-pocket maximum). We also strongly support the additional clarification in the May 26, 2015 [FAQ](#) jointly issued by the Departments of Labor, Health and Human Services (HHS), and the Treasury that stated that the individual out-of-pocket maximum applies to individuals in family plans who have any type of non-grandfathered insurance and is not limited to qualified health plans.

We urge you to enforce this policy beginning in the 2016 plan year, as currently scheduled.

The policy in the final rule appropriately protects individuals from exorbitant out-of-pocket spending associated with a single episode of care or course of treatment, as was the intent of the

ACA. It seems to go against principles of fairness that an individual's statutory out-of-pocket protection could be weakened or delayed. We urge you to ensure full compliance by all non-grandfathered health plans beginning in 2016, consistent with the final NBPP and the May 26, 2015 FAQ.

We appreciate this opportunity to provide our insight and perspective and welcome the opportunity to meet to further discuss our concerns.

Sincerely,

Carl Schmid
Deputy Executive Director
The AIDS Institute

Angela Ostrom
COO, and VP of Public Policy
Epilepsy Foundation

Andrew Sperling
Director of Federal Legislative Advocacy
National Alliance on Mental Illness

cc: The Honorable Thomas E. Perez
Secretary of Labor
200 Constitution Avenue, NW
Washington, DC 20210

The Honorable Jacob Lew
Secretary of Treasury
Department of the Treasury
1500 Pennsylvania Ave.
Washington, DC 20220