

Congress of the United States
Washington, DC 20515

October 5, 2015

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

Dear Secretary Burwell:

We write today regarding the Children's Health Insurance Program (CHIP) and the status of the Department's review of the comparability of pediatric coverage between CHIP and qualified health plans offered on exchanges established under the Patient Protection and Affordable Care Act (PPACA).

The Government Accountability Office (GAO) compared plans in five states and found that costs (deductibles, copayments, coinsurance, and premiums) were almost always less for selected CHIP plans when compared to states' benchmark health plans. Additionally, while coverage for selected services was generally comparable, GAO found some differences. In particular, pediatric dental and services such as translation and transportation services were covered more frequently by the CHIP plans.¹

Section 2101 of PPACA requires that, by April 1, 2015, the Secretary of the Department of Health and Human Services (HHS) evaluate all qualified health plans in each state to determine whether the benefits available and the cost sharing obligations imposed are "at least comparable" to those available under the state's CHIP plan. Additionally, by April 1, 2015, the Secretary was to certify those plans offered through an exchange which were determined to be comparable to CHIP. States may enroll children eligible for CHIP in qualified health plans that the Secretary has certified as being comparable after September 30, 2015, without risking their federal funding for Medicaid.²

Despite the April 1, 2015 deadline and the September 30, 2015 start date for when states can enroll CHIP eligible children in certified plans, HHS has yet to release the results of the statutorily mandated evaluation of qualified health plans. Stakeholders need this information in order make reasonable decisions concerning children's health coverage. . Accordingly, we respectfully request your response to the following questions within two weeks of your receipt of this letter:

¹ GAO-15-323.

² PPACA included a maintenance of effort (MOE) requirement which required states to maintain income eligibility levels for CHIP through September 30, 2019, as a condition for receiving payments under Medicaid notwithstanding the lack of corresponding federal appropriations for FY2018 and FY2019). However, according to the law, states are not prevented from enrolling CHIP children in qualified health plans certified by the Secretary after September 30, 2015.

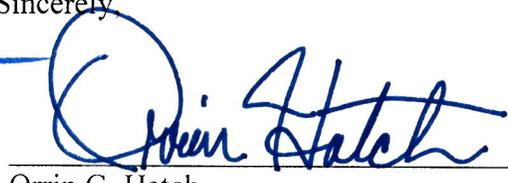
1. What is the status of HHS's evaluation of the comparability of the benefits and cost sharing obligations of qualified health plans and state CHIP plans?
2. Has HHS determined which, if any, qualified health plans are comparable to CHIP? If so, why wasn't a list of such plans released by the April 1, 2015, deadline mandated by PPACA? When will HHS release this list?
3. Does HHS believe that qualified health plans offered on the exchange provide appropriate and adequate coverage for the population currently served through CHIP? If not:
 - a. Please explain why HHS does not feel that qualified health plans are appropriate for individuals currently eligible for CHIP.
 - b. To what extent is the delay in certifying qualified health plans related to the ability of states to enroll CHIP-eligible children in such plan beginning in fiscal year 2016?
4. What is HHS' position on the extension or termination of CHIP when current federal funding expires on September 30, 2017?

Should your staff have any questions, please contact Josh Trent or Michelle Rosenberg at the Committee on Energy and Commerce at (202) 225-2927 or Becky Shipp at the Senate Finance Committee at (202)224-4515.

Sincerely



Fred Upton
Chairman
House Committee on Energy
and Commerce



Orrin G. Hatch
Chairman
Senate Finance Committee



Joseph R. Pitts
Chairman
Health Subcommittee
House Committee on Energy
and Commerce

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cc: The Honorable Frank J. Pallone, Jr., Ranking Member

The Honorable Member Gene Green, Ranking Member
Subcommittee on Health