

United States Senate

WASHINGTON, DC 20510

June 14, 2018

The Honorable Steven Mnuchin
Secretary
U.S. Department of the Treasury
1500 Pennsylvania Avenue N.W.
Washington, D.C 20220

The Honorable R. Alexander Acosta
Secretary
U.S. Department of Labor
200 Constitution Avenue N.W.
Washington, D.C. 20210

The Honorable Alex Azar
Secretary
U.S. Department of Health and Human Services
200 Independence Avenue S.W.
Washington, D.C. 20201

Dear Secretaries Mnuchin, Acosta, and Azar:

As a caucus, we wrote to you in April expressing our serious concerns with the proposed rule on short-term, limited-duration insurance (CMS-9924-P) because it could increase costs and reduce access to quality coverage for millions of Americans, harm people with pre-existing conditions, and force premium increases on older Americans. After learning of the *Los Angeles Times* analysis of the overwhelmingly critical comments submitted to CMS on this proposed rule, we write to call on you to rescind the proposed rule and instead work with us to ensure that all American families have choices of affordable, meaningful health care coverage.

In our letter, we cited grave concerns about the rule from the patient community, including a letter that Congressional leaders received from 113 groups. The groups ranged from those representing newborns to the elderly, and from those working to end chronic physical conditions to serious mental illness. We also brought to your attention that industry leaders and the American Academy of Actuaries had written about the adverse impact of these plans on the insurance market and patients.

Now we know that these concerns were not the exception, but the rule. The *Los Angeles Times* reviewed the thousands of official comment letters filed regarding the two new rules, one expanding short-term plans and the other allowing for more association health plans, concluding “[n]ot a single group representing patients, physicians, nurses or hospitals voiced support in the public comments for the two Trump administration proposals.”¹

¹ *Trump’s New Insurance Rules are Panned by Nearly Every Healthcare Group that Submitted Formal Comments*, Los Angeles Times (May 30, 2018) (<http://www.latimes.com/politics/la-na-pol-trump-insurance-opposition-20180530-story.html>).

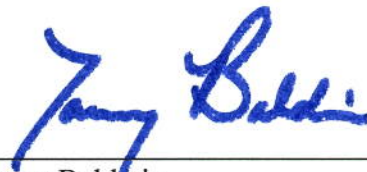
On the proposal to expand the sale and marketing of short-term, “junk plans,” as we previously expressed, this rule could harm people with pre-existing conditions, raise costs on older Americans, and promote plans that exclude basic benefits including hospitalization, prescription drugs, mental health services, substance abuse treatment, and maternity care. These concerns were echoed by, according to the Times, “233 patient and consumer advocates, 17 physician groups, 30 nursing associations, 11 hospital groups and 41 groups representing other medical providers, such as physical therapists, social workers, physician assistants and multiple sclerosis clinics”² filing critical comments. The Times concluded that “more than 98% — or 335 of 340 — of the healthcare groups that commented on the proposal to loosen restrictions on short-term health plans criticized it, in many cases warning that the rule could gravely hurt sick patients.”³ State regulators, including Republican state regulators, echoed these concerns about the impact on vulnerable patients and insurance market stability.

Given the overwhelmingly critical responses you have received from health care experts—the groups speaking for patients, doctors, nurses, hospitals, clinics, states, and other health care constituencies—we are calling on you to stop moving forward with this rule. This rule should not be finalized and implemented because it threatens access to quality, affordable care for millions of Americans. Instead, we ask you again to work with us to improve our health care system and lower health care costs for American families.

Sincerely,



Debbie Stabenow
United States Senator



Tammy Baldwin
United States Senator



Claire McCaskill
United States Senator



Richard J. Durbin
United States Senator



Sheldon Whitehouse
United States Senator



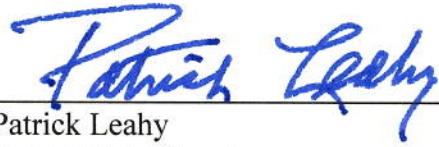
Mazie K. Hirono
United States Senator

² *Id.*

³ *Id.*



Sherrod Brown
United States Senator



Patrick Leahy
United States Senator



Richard Blumenthal
United States Senator



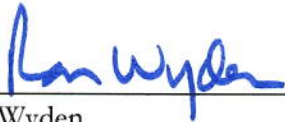
Margaret Wood Hassan
United States Senator



Kirsten Gillibrand
United States Senator



Jeanne Shaheen
United States Senator



Ron Wyden
United States Senator



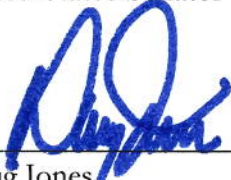
Joe Donnelly
United States Senator



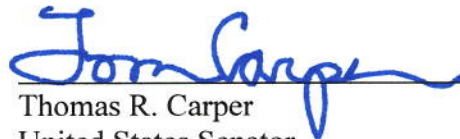
Bill Nelson
United States Senator



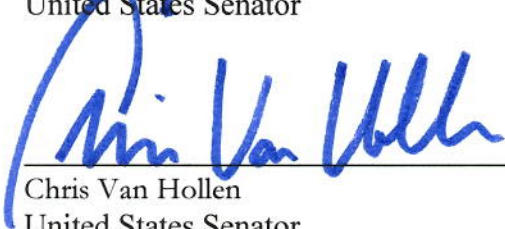
Charles E. Schumer
United States Senator



Doug Jones
United States Senator



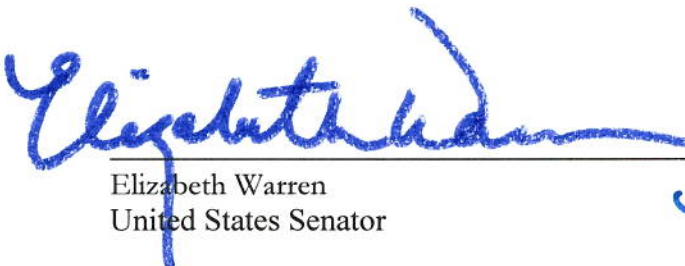
Thomas R. Carper
United States Senator



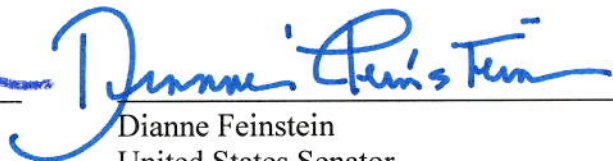
Chris Van Hollen
United States Senator



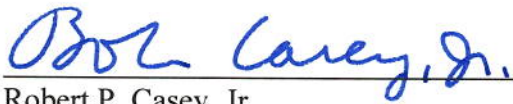
Jack Reed
United States Senator



Elizabeth Warren
United States Senator



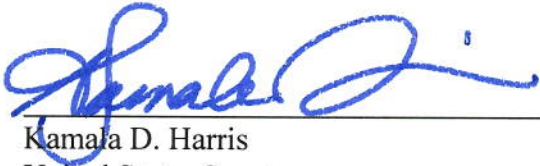
Dianne Feinstein
United States Senator



Robert P. Casey, Jr.
United States Senator



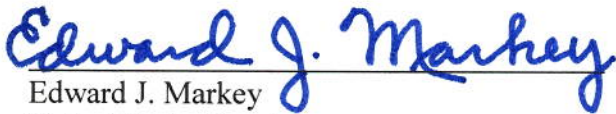
Tammy Duckworth
United States Senator



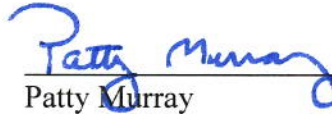
Kamala D. Harris
United States Senator



Maria Cantwell
United States Senator



Edward J. Markey
United States Senator



Patty Murray
United States Senator



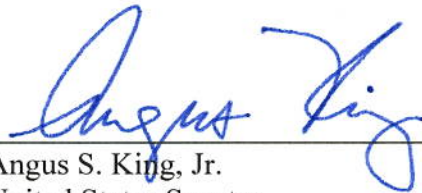
Cory A. Booker
United States Senator



Christopher A. Coons
United States Senator



Brian Schatz
United States Senator



Angus S. King, Jr.
United States Senator



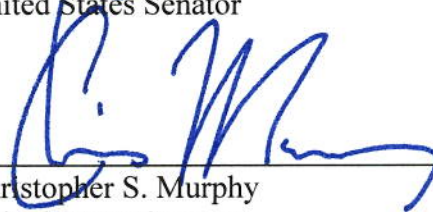
Bernard Sanders
United States Senator



Gary C. Peters
United States Senator



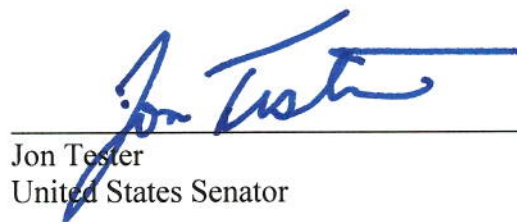
Amy Klobuchar
United States Senator



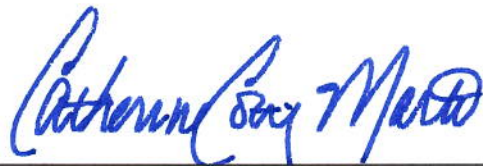
Christopher S. Murphy
United States Senator



Tim Kaine
United States Senator



Jon Tester
United States Senator



Catherine Cortez Masto
United States Senator



Tina Smith
United States Senator



Michael F. Bennet
United States Senator



Jeffrey A. Merkley
United States Senator



Mark R. Warner
United States Senator



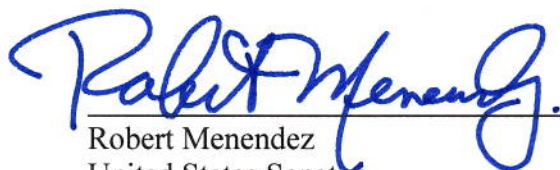
Benjamin L. Cardin
United States Senator



Tom Udall
United States Senator



Martin Heinrich
United States Senator



Robert Menendez
United States Senator