

ONE HUNDRED THIRTEENTH CONGRESS

# Congress of the United States

## House of Representatives

### COMMITTEE ON ENERGY AND COMMERCE

2125 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-6115

Majority (202) 225-2927  
Minority (202) 225-3641

February 5, 2013

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

Dear Secretary Sebelius:

Pursuant to Rules X and XI of the Rules of United States House of Representatives, the Committee on Energy and Commerce is examining the implementation of the Patient Protection and Affordable Care Act (PPACA).

Section 1411 of the PPACA requires the Secretary of Health and Human Services (HHS) to "...establish procedures by which the Secretary . . . hears and makes decisions with respect to appeals of any determination . . . ." The law also requires that exchange applicants be notified by an exchange in the case of an "inconsistency or inability to verify" the information contained in the application.<sup>1</sup> Despite these requirements, the *Washington Post* recently reported that "tens of thousands of people who discovered that HealthCare.gov made mistakes as they were signing up for a health plan are confronting a new roadblock: the government cannot yet fix the errors."<sup>2</sup> As Henry Chao, the Deputy Chief Information Officer for the Centers for Medicare and Medicaid Services (CMS), testified before the Subcommittee on Oversight and Investigations on November 19, 2013, a substantial portion of HealthCare.gov has yet to be built, including the "payment aspect and the accounting aspects of making payments in the marketplace, for all marketplaces, not just for Federally-facilitated Marketplaces." In addition to the incomplete payment systems, the *Post's* report indicates that, "the part of the computer system that would allow agency workers to read and handle appeals has not been built. . . ." As a result, individuals who wish to make an appeal over their coverage to the administration can do so only via mail.

In order to better understand the scope of this problem and what is being done to solve it, please have the relevant individuals brief Committee staff no later than February 21, 2014. The briefing should address the following:

<sup>1</sup> Patient Protection and Affordable Care Act Section 1411, 42 U.S.C. 18081 (2010).

<sup>2</sup> Amy Goldstein, *HealthCare.gov can't handle appeals of enrollment errors*, WASHINGTON POST, Feb. 2, 2014.

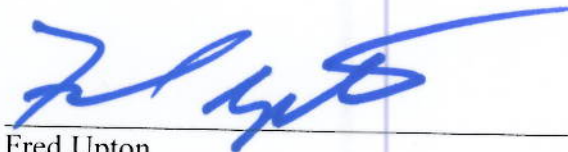
1. The impact of the inability to fix errors in an application for insurance via HealthCare.gov. This would include the number of individuals who have filed appeals and the breakdown of where individuals are in the process.
2. The types of mistakes or errors an individual may be appealing, and whether those mistakes are the result of HealthCare.gov or other factors.
3. The process currently utilized to handle appeals via mail, including the remedies that are available to individuals.
4. The steps the administration has taken to address the problem of "loopers," which the *Post* identifies as individuals who were told erroneously to apply via their State Medicaid agency only to find that HealthCare.gov will no longer allow them to apply for coverage.

In addition to the briefing, please provide the following documents no later than February 21, 2014:

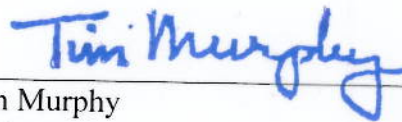
1. All documents, including communications, relating or referring to the appeals process required by the PPACA and the status of the appeals process, including the computer systems supporting that process.

Thank you for your prompt attention to this matter. If you have questions or wish to discuss this request, please contact Karen Christian or Sean Hayes with Committee Staff at (202) 225-2927.


Sincerely,



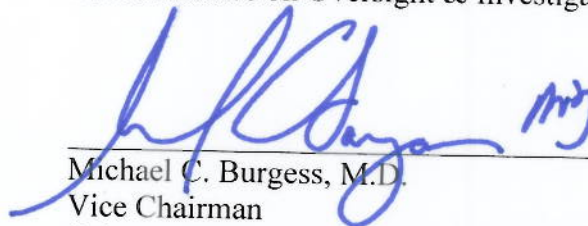
Fred Upton  
Chairman



Tim Murphy  
Chairman  
Subcommittee on Oversight & Investigations



Joe Pitts  
Chairman  
Subcommittee on Health



Michael C. Burgess, M.D.  
Vice Chairman  
Subcommittee on Oversight & Investigations



Joe Barton  
Chairman Emeritus



Marsha Blackburn  
Vice Chairman

cc: The Honorable Henry Waxman, Ranking Member

The Honorable Diana DeGette, Ranking Member  
Subcommittee on Oversight and Investigations

The Honorable Frank Pallone, Jr., Ranking Member  
Subcommittee on Health