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June 14, 2010

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

Secretary Sebelius:

We write to you today requesting a substantive briefing on your efforts to implement new rules for group health plans and health insurance coverage in the group and individual markets as required by the health care law. Specifically, *The New York Times* reports today that the Department of Health and Human Services will propose regulations that determine how a plan will become and remain “grandfathered” and therefore subject to limited provisions of the law. The determination of which plans will be considered grandfathered under the law, and what changes a grandfathered plan will be permitted to make without losing that status has the potential to affect the health care coverage of millions of Americans.

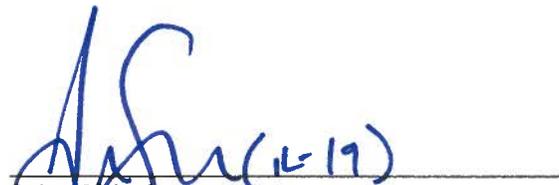
Because President Obama and supporters of the law routinely promised the American people that if they liked their current coverage they could keep it, it is especially important that the potential effects of this upcoming decision be examined closely before being finalized. We are concerned that if the definition chosen is too restrictive, many Americans may find their coverage changed drastically with little warning. The Associated Press reported last week that an early draft of these regulations states that in just three years a majority of workers will be in plans subject to new federal requirements. If a majority of small or large business employees relinquish their grandfathered status by 2013, can it really be said that the President has kept his promise to the American people that they can keep their coverage?

We ask that either you, or the designee responsible for issuing regulations to make these determinations, brief Committee and personal staff on the status of the rules covering grandfathered plans within the next two weeks. Working closely with the Congress on this matter will guarantee that the American people do not find sudden unwanted changes to the health care coverage they currently enjoy.

Sincerely,



Joe Barton
Ranking Member



John Shimkus
Ranking Member
Subcommittee on Health



Michael C. Burgess
Ranking Member
Subcommittee on Oversight and Investigations