

September 7, 2016

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

Dear Secretary Burwell:

On behalf of the membership of the National Association of Insurance Commissioners¹, we write today to express our concerns with the comment period provided for the proposed 2018 HHS Notice of Benefit and Payment Parameters (CMS-9934-P). The breadth and complexity of this proposal merits a full comment period time of not less than 60 days from the date published in the *Federal Register*.

Executive Order 12866, which was reiterated in President Obama's Executive Order 13563, appears applicable to this draft: "each agency should afford the public a meaningful opportunity to comment on any proposed regulation, which in most cases should include a comment period of not less than 60 days." Instead, the U.S. Department of Health and Human Services has provided only 30 days from publication in the *Federal Register* for public review and comment.

The proposed Notice includes hundreds of policy and process changes that must be carefully considered not only for their own merits, but also for their impact on other regulations. In particular, the impact of proposals dealing with rate setting, solvency, and risk sharing programs must be carefully considered.

We urge you to give the public additional time to fully review the proposed Notice and provide comments.

Sincerely,



John M. Huff
NAIC President
Director
Missouri Department of Insurance

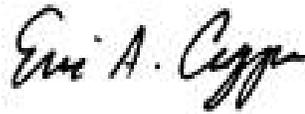


Ted Nickel
NAIC President-Elect
Commissioner
Wisconsin Office of the
Insurance Commissioner

¹ Founded in 1871, the NAIC is the U.S. standard-setting and regulatory support organization created and governed by the chief insurance regulators from the 50 states, the District of Columbia and the five U.S. territories. Through the NAIC, state insurance regulators establish standards and best practices, conduct peer review, and coordinate their regulatory oversight. NAIC members, together with the central resources of the NAIC, form the national system of state-based insurance regulation in the U.S.



Julie Mix McPeak
NAIC Vice President
Commissioner
Tennessee Department of Commerce & Insurance



Eric A. Cioppa
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