

October 12, 2017

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

Dear Mr. Acting Secretary:

On behalf of the members of the National Association of Insurance Commissioners (NAIC), we write to express our concern about the Administration's plan to shut down the federal health insurance Marketplace – healthcare.gov – for maintenance for 12 hours on all but one Sunday during the upcoming open enrollment period. We believe this could hinder consumers' ability to consider their enrollment options during a timeframe when many are likely to be at home with their families making these decisions. We ask that you reconsider.

With the uncertainty surrounding final rates, reduced federal funding for outreach, consumer confusion about the status of the Affordable Care Act, and a significantly shorter open enrollment period, state regulators are concerned about the ability of the federal Marketplace to inform and enroll consumers before the open enrollment ends December 15th. The announced plan to shut down the Marketplace every Sunday (except December 10th) from 12am – Noon for maintenance will only exacerbate the problem and add to consumer confusion. We urge the Administration to review how maintenance has been handled in the past, with shorter maintenance windows, and take a similar approach.

State-based Exchanges are also concerned about access to the Federal Data Services Hub (which provides data from the IRS, Department of Homeland Security and the Social Security Administration) after the federal open enrollment period ends. Several states operating their own Exchanges have extended their open enrollment period past December 15th and need access to the federal data, through the Hub, to confirm eligibility. If the federal government shuts down the federal Marketplace for maintenance right after the federal open enrollment ends this would interfere with state exchanges and confuse consumers just as the window for enrollment winds down.

We encourage the Administration to commit to keeping the federal systems online during the state open enrollment periods and provide specific dates and times for any maintenance windows that will occur after December 15th.

State regulators fully understand the daunting task ahead for the federal Marketplace and know, irrespective of our differing views on the ACA itself, we will all need to work together to help make this a smooth open enrollment period. We stand ready to assist in any way we can and thank you for your consideration.

Sincerely,



Theodore K. Nickel
NAIC President
Commissioner
Wisconsin Office of the
Commissioner of Insurance



Michael F. Consedine
Chief Executive Officer
National Association of Insurance
Commissioners