



The Colorado
Health Foundation™

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March 7, 2017

Patrick Conway, M.D.
Acting Administrator
Centers for Medicare and Medicaid Services
Department of Health and Human Services
Attention: CMS-9929-P
P.O. Box 8016
Baltimore, MD 21244

RE: Comments on "Patient Protection and Affordable Care Act; Market Stabilization" Proposed Rule (CMS-9929-P)

Dear Dr. Conway:

The Colorado Health Foundation is a nonprofit organization committed to improving the health of Coloradans. We work towards this mission through grantmaking, policy and advocacy, strategic private investments and convening to drive change. As stewards of this mission, we thank you for the opportunity to comment on the proposed rule, titled: Patient Protection and Affordable Care Act: Market Stabilization (CMS-9929-P). We respectfully submit to you the underlying comments for your consideration.

As an organization working to achieve better health outcomes for Coloradans, we are concerned that certain elements of the proposed rule would not improve the health of individuals and families and may work in the opposite direction. We understand the proposed rule is intended to stabilize the insurance market, but believe the proposals contained within the rule would fall substantially short of this goal. We believe the proposed rule would decrease enrollment, worsen the risk pool and make the insurance purchasing process more difficult to navigate for consumers. We are especially concerned with this last point as the proposed rule falls well short of improving access for consumers. Health insurance marketplaces are designed to provide a platform for consumers to compare and purchase health plans, and the perspective of consumers ought to be of foremost consideration.

It is increasingly unclear if the proposed rule will be able to offset the negative impacts on coverage and costs that the 'Repeal and Replace' proposals currently being debated in Congress will initiate. We encourage Department of Health and Human Services (HHS) Secretary Tom Price and the Centers for Medicare and Medicaid Services (CMS) to leverage their unique insight and position to inform ongoing Congressional deliberations in such a way that ensures that consumer access remains paramount.

The state of Colorado has invested substantially in a state-based exchange, Connect for Health Colorado (C4HCO), which has served as an effective tool in connecting Coloradans to coverage plans that meet their needs. Enrollment in plans through C4HCO have increased every year, with the most recent year seeing a 12 percent increase over the prior year. Additionally, C4HCO, which operates as a quasi-governmental entity, does not receive any state general funds yet has improved both its financial position as well as the consumer experience. While many of the provisions outlined in the proposed rule do not directly impact Colorado's marketplace, it is important that flexibility and autonomy of state exchanges is maintained. States, including





Colorado, have made significant investments developing marketplaces that meet their unique needs. Thus, restricting autonomy also would restrict the effectiveness of the state-based exchanges, ultimately affecting the consumers they serve.

In particular, we wish to express our concern with CMS' proposal to shorten the open enrollment period, which could potentially have an adverse effect on Colorado consumers, as well as consumers in other states. C4HCO experiences the highest volume of plan selection and purchase in the final week of open enrollment. The last day of open enrollment is consistently the busiest day of the marketplace, by volume. Any change in the existing open enrollment period would need to be accompanied by an aggressive public outreach campaign. This would be necessary to ensure that consumers, who have become accustomed to the 90-day enrollment period, are fully aware of the shortened timeline and have the tools in place to identify and enroll in a marketplace plan that meets their health care needs. Such an effort would drive up the administrative costs of C4HCO.

While the purpose of this proposed rule is to stabilize the insurance market, we are concerned that no amount of regulatory change will be able to correct the uncertainty being injected into the health care system via efforts to repeal the Affordable Care Act (ACA). We encourage CMS to prioritize the interests of consumers and push for policies that maintain the coverage gains we have seen as a result of the ACA.

Thank you for the opportunity to provide input on the proposed rule. The task you have before you, to improve the health care system while protecting the coverage and access gains, is of upmost importance. Countless Americans and Coloradans are looking to your agency to ensure that they are able to access comprehensive health care in a manner that helps them to live their healthiest lives.

If you have any questions, please contact Dustin Moyer, public policy officer at the Colorado Health Foundation, at dmoyer@coloradohealth.org or 303-953-3600.

In good health,

Karen McNeil-Miller, Ed.D
President and CEO
The Colorado Health Foundation