



February 13, 2015

The Honorable David Vitter
United States Senate
Committee on Small Business and Entrepreneurship
Washington, DC 20510-6350

RE: Congressional enrollment through DC Health Link

Dear Chairman Vitter:

Thank you for the opportunity to provide you with information about DC Health Link. This letter is to respond to your February 3, 2015 request for copies of employer applications submitted by the Office of Payroll and Benefits of the U.S. House of Representatives and the Senate Disbursing Office on behalf of designated Congressional staff and Members for employer sponsored health insurance coverage through DC Health Link's SHOP – the District's on-line health insurance marketplace for businesses and their workers.

The Health Benefit Exchange Authority (HBX), a private-public partnership, is responsible for implementing a state-based online health insurance marketplace under the Affordable Care Act for the District of Columbia. The marketplace, called DC Health Link, enables individuals, families and small businesses to compare health insurance prices and benefits and to purchase affordable, quality health coverage. From October 1, 2013 to February 9, 2015, DC Health Link has served 80,587 people: 20,358 people have enrolled in private health insurance, 44,457 people have been determined eligible for Medicaid, and 15,763 people enrolled through SHOP (includes Congressional enrollment). It is estimated that the District's uninsured rate dropped by as much as 43% in the first year of DC Health Link's operations, with more than 18,000 previously uninsured people gaining coverage.

In 2015, DC Health Link's Small Business Marketplace offers 193 different coverage options from four major health insurance companies -- Aetna, CareFirst Blue Cross Blue Shield, Kaiser Permanente, and United Health Care. There are 31 coverage options for individuals and their families offered by Aetna, CareFirst and Kaiser in DC Health Link's individual marketplace. Health insurance choices include HSA compatible high deductible health plans and zero deductible options, and include health maintenance organizations (HMOs), preferred provider organizations (PPOs), and point of service (POS) plans.



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DC Health Link opened for business on October 1, 2013, offering employers and employees broad choices. This means that for the first time, small businesses like large ones can offer a choice of insurance companies and coverage levels to their employees. The employer receives one bill even when employees choose coverage from different insurance companies. Last year, there were 113 products available at the gold level – enabling a small business to offer all 113 products when the business selected all gold coverage (Gold level is the coverage level available to Congress). Looking at the first 463 small business customers in DC Health Link, two-thirds chose to offer their employees broad choices -- 102 small businesses offer their employees a choice of all health plans in a metal level and 207 offer their employees a choice of all the metal levels and plans from a single carrier.

We are proud of the choices and competitively priced products DC Health Link offers the business community. In fact, the DC Chamber of Commerce, the Greater Washington Hispanic Chamber of Commerce, and the Restaurant Association Metropolitan Washington became DC Health Link customers – each one realizing savings and offering their own employees better benefits. In addition to enrolling through DC Health Link, each has partnered with us to promote small business and individual enrollment through DC Health Link.

In addition to creating an on-line health insurance market that competes in a transparent way, we are committed to our customers. We work hard to preserve the privacy and confidentiality of information for all our customers – private and government (Congress) alike. Providing enrollment applications for any of our customers would be perceived as a breach of trust.

Furthermore, on October 15, 2014, Kirby Vining, represented by Judicial Watch, filed a lawsuit against HBX. The plaintiff is seeking a “judgment declaring that the U.S Congress’ participation in the District of Columbia’s ‘Small Business Exchange is unlawful and an injunction prohibiting Defendants from allowing Congress to participate in the exchange or...ordering Executive Director Kofman to cease and desist from allowing Congress to participate in the exchange.” Plaintiff’s Complaint, *Vining v. Executive Board of the HBX, et. al.*, at 2 (Oct. 15, 2014).

As expressed in our November 7, 2014 motion to dismiss (full copy attached):

...federal law expressly and specifically authorizes use of the D.C.’s SHOP Exchange by Members of Congress and designated Congressional staff through the Patient Protection and Affordable Care Act (‘ACA’), implementing regulations, and guidance. Therefore, District of Columbia law, as applied to Congressional enrollment, is preempted by the ACA and pertinent regulations...

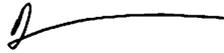
The ACA includes a specific provision for the sale of health insurance to Members of Congress and designated Congressional staff... On October 2, 2013, one day after the District’s SHOP Exchange opened for business, the Office of Personnel Management (‘OPM’) promulgated regulations to implement §1312(d)(3)(D) of the ACA... OPM determined the District of Columbia Exchange was the ‘appropriate SHOP’ for members

of Congress and congressional staff. Defendant's Motion to Dismiss, *Vining v. Executive Board of the HBX, et. al.*, at 2, 4-5 (Nov. 7, 2014).

Due to the on-going lawsuit brought by Judicial Watch on Congressional enrollment in private health insurance through DC Health Link, we are not in a position to provide documents or discuss information related to the lawsuit.

We thank you for the opportunity to provide you with this information.

Sincerely,



Mila Kofman
Executive Director
DC Health Benefit Exchange Authority

Cc:
Ranking Member Ben Cardin
Congresswoman Eleanor Holmes Norton