

Congress of the United States
Washington, DC 20515

December 10, 2013

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

Dear Secretary Sebelius:

As you are aware an 834 EDI transmission, commonly referred to as an 834, is used by employers and insurance agencies to enroll individuals into a health insurance plan. Enrollment information such as benefits, plan subscription, subscriber identification, Social Security numbers, and eligibility is contained in an 834. An 834 is especially important as it is the only form that allows insurance companies to know who signed up for their plans. Your Department elected to use the same format used by employers and insurance agencies for enrollment when building the HealthCare.gov website.

The unsuccessful launch of HealthCare.gov caused a very serious problem—834s were not being transmitted properly. As a result, insurers were receiving the wrong subscriber information. When this information is incorrect, subscribers may be signed up for the wrong plan, family members may not be covered, and identities may not be verifiable.

According to a recent Wall Street Journal article, one subscriber was listed as having three spouses. Another article quoted executives at more than a dozen health plans reporting duplicate enrollments, spouses reported as children, missing data fields and suspect eligibility determinations. The Washington Post reported that up to a third of people who had signed up for coverage on the federal exchange website have had misinformation passed on to insurers. These errors are unacceptable and are the consequences of this Administration's irresponsible decision to roll out a botched website.

On Sunday, your Department claimed the site can now handle 800,000 users a day or more without major problems. It also claimed it had completed more than 400 software fixes. While the Administration goes around touting these improvements, it has largely been silent as to whether or not the 834 issues have been fixed. These types of back-end errors are a huge barrier to access for the uninsured and those that have lost their current health plans due to Obamacare.

While we believe this issue is not just a broken website, but a fundamentally flawed program, we believe the American people deserve the peace of mind that they will be successfully enrolled in the plan they sign up for on HealthCare.gov. We respectfully request you provide additional information on the status of the HealthCare.gov fixes. Specifically, we are interested in whether

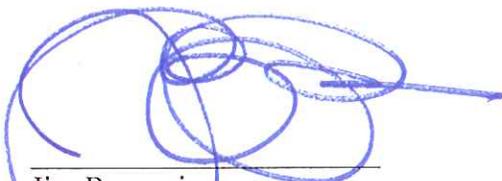
Congress of the United States
Washington, DC 20515

or not 834s are being transmitted properly 100% of the time, how many individuals have already been impacted by these errors, and what effect do these errors have on income verification for subsidies. We request answers to the following questions:

- Can you assure us that all individuals who have enrolled on HealthCare.gov have been successfully transferred to the appropriate health plan through an 834? If not, how many 834s are missing? How do you plan to fix this?
- What effect do incorrect or missing 834s have on the following: premium subsidy amounts, cost sharing subsidy amounts, and the premium the beneficiary pays. If errors are made based on incorrect or missing 834s will consumers and health plans be held harmless?
- When must a health plan receive a correct 834 for coverage to be effective in January? Will you hold consumers and health plans harmless for problems/errors if there were incorrect or missing 834s for that individual?
- When will you conduct a full reconciliation of enrollment information between HHS and plans?

We look forward to your response.

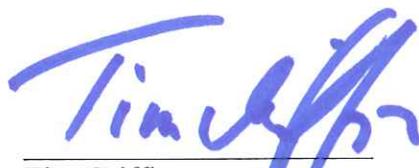
Sincerely,



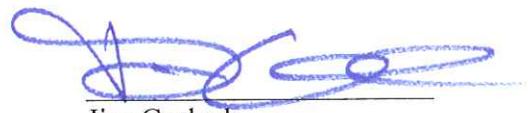
Jim Renacci
Member of Congress



Patrick J. Tiberi
Member of Congress

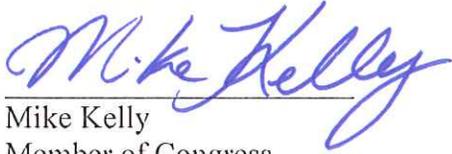


Tim Griffin
Member of Congress

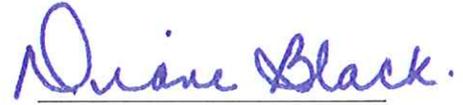


Jim Gerlach
Member of Congress

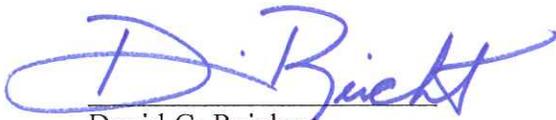
Congress of the United States
Washington, DC 20515



Mike Kelly
Member of Congress



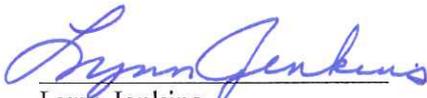
Diane Black
Member of Congress



David G. Reichert
Member of Congress



Paul Ryan
Member of Congress



Lynn Jenkins
Member of Congress



Tom Reed
Member of Congress