

United States Senate
WASHINGTON, DC 20510

May 8, 2020

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

Dear Secretary Azar,

We write with grave concerns about your reported decision to deny those enrolled in short term, limited duration insurance (STLDI) plans, or junk plans, the federal resources appropriated for COVID-19 testing and treatment coverage. By excluding health care providers and facilities serving individuals enrolled in STLDI plans from COVID-19 claims reimbursement, you are adding to the financial liabilities of the underinsured. This decision, coupled with your decision to reject opening a special enrollment period, puts thousands of Americans at risk during a pandemic. We already have seen examples of how these plans, touted by your administration, have left patients with potential and confirmed COVID-19 cases saddled by high medical bills, at a time when the economy and many livelihoods are in jeopardy. We urge you to reconsider and expand coverage and protections to those enrolled in STLDI plans by including them for coverage as uninsured.

In the midst of a national health crisis, Americans need assurance that they will have comprehensive health insurance. STLDI plans do not provide this protection. This substandard health coverage promoted by the administration does not meet Federal consumer protection standards, including protections for pre-existing conditions, lifetime and annual dollar limits, and Essential Health Benefits (EHBs) like laboratory testing, emergency care, and hospitalization. This means these junk plans are allowed to discriminate against people with pre-existing conditions, women, and seniors, and often they do not cover benefits like mental health and addiction care or prescription drugs.

The administration is managing the Families First Coronavirus Relief Act (FFCRA) and the Coronavirus Aid, Relief, and Economic Security (CARES) Act through a shared program covering testing and care for uninsured COVID-19 patients. The FFCRA defines uninsured as an individual who is not enrolled in Medicare, Medicaid, CHIP, TRICARE, VA health care, fully insured and self-insured individual and group health plans, and the Federal Employees Health Benefits Program. The definition in the statute excludes STLDI, treating them as uninsured for the purposes of COVID-19 testing coverage. This language makes clear that it is the intent of Congress to ensure that those enrolled in a STLDI plan are accounted for, and treated as uninsured to guarantee that they may access services critical for both individual patient care and the health of the public.

In response to a question about why the administration was not extending claims reimbursement for those enrolled in STLDI, an official from the Department of Health and Human Services

noted that many insurance companies have agreed to provide coverage for COVID-19 treatment at no cost-sharing. It is accurate that many insurance companies have extended coverage for their ACA-compliant plans, however, many companies have failed to provide the same extension for STLDI plans that they operate. Thus, these assurances from HHS of no cost-sharing do not apply to those enrolled in those plans. Individuals enrolled in these plans and at risk of COVID-19 are hit twice – first by their inadequate plan, which is not required to provide coverage for the type of COVID-19 testing and treatment they may need, and second, by this administration’s failure to provide a backstop for testing and treatment costs.

Given the financial burden this decision will add to those enrolled in STLDI plans, we urge you to reconsider the decision not to cover their claims for COVID-19 testing and treatment. It is the least you should be doing to protect those individuals from unanticipated health care costs.

Sincerely,

Christopher S. Murphy
United States Senator

Tammy Baldwin
United States Senator

Mazie K. Hirono
United States Senator

Tina Smith
United States Senator

Elizabeth Warren
United States Senator

Chris Van Hollen
United States Senator

Thomas R. Carper
United States Senator

Sherrod Brown
United States Senator

Jeffrey A. Merkley
United States Senator

Richard Blumenthal
United States Senator