

**Congress of the United States**  
**Washington, DC 20515**

March 28, 2014

The Honorable Kathleen Sebelius  
Secretary, Department of Health and Human Services  
200 Independence Avenue, SW  
Washington, DC 20201

Dear Secretary Sebelius:

We write today to inquire about the appeals process for decisions made by the Health Insurance Marketplaces. Many constituents have come to us for help in appealing a decision made by the Marketplace, yet we are not receiving many, if any, resolutions on these enrollment appeals. In fact, CMS has advised Congressional offices to submit a new insurance application for constituents in addition to filing an appeal, as the new application will be processed first. This seems not only redundant but also counter-productive, in that it will just be creating more work for application reviewers.

Healthcare.gov states that all appeals will be processed and responded to within 90 days, but reports from constituents indicate that many appeals are not being resolved within this timeline.

Healthcare.gov also states that individuals can file an expedited appeal if needed, which will "be processed as quickly as possible." Individuals with health insurance that ended December 31, 2013 were desperate to secure coverage and were told they could appeal their application after signing up to receive their federal subsidy. However, these individuals are being forced to pay higher premiums due to lack of CMS action on their appeal. It is evident that no infrastructure to appeal their case is in place, thus forcing them to pay higher out-of-pocket costs. Again, we are receiving little to no helpful guidance from CMS on how to help these individuals.

Therefore, we ask you to respond to the following questions:

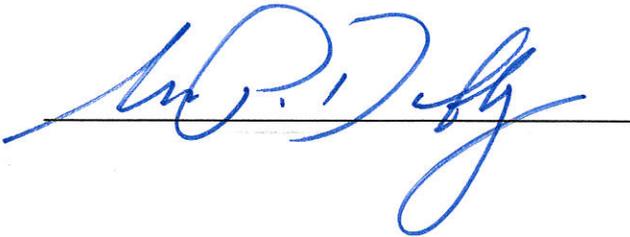
- 1) What is the current backlog of both enrollment and application appeals?
- 2) How many appeals have not been resolved within 90 days?
- 3) What is your goal for processing the so-called "expedited appeals," and how often are you meeting it?

4) How many appeals have been filed since the Marketplace opened on October 1, 2013, and how many of those have been processed?

5) What is your plan for addressing outstanding appeals and clearing out the backlog within a reasonable timeline?

We ask for a response within 30 days of receipt of this letter. Our constituents deserve better service than they have received on the Marketplaces, and we as elected officials need better guidance from CMS on how to help them. We hope you will finally provide that to us.

Sincerely,

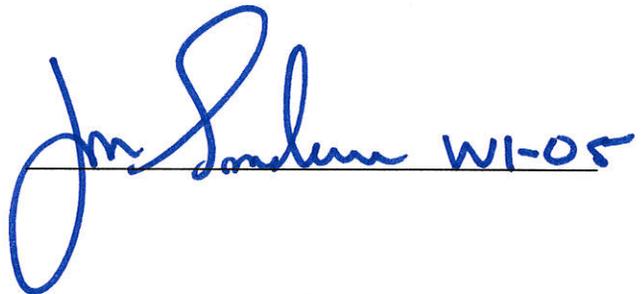
  
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