



eHEALTH INITIATIVE

Real Solutions. Better Health.

House Committee on Ways and Means: "Status of the Affordable Care Act Implementation."

On Tuesday, October 29th, the House Ways and Means Committee held a hearing to determine (1) the current status of the Patient Protection and Affordable Care Act (PPACA) implementation and (2) to further examine the problems American are experiencing with the launch of the PPACA health insurance marketplace website. The sole witness for this hearing included:

- [Marilyn Tavenner](#), Administrator of the Centers for Medicare & Medicaid Services (CMS) at the U.S. Department of Health and Human Services (HHS).

The hearing began with opening statements from Committee Chairman Dave Camp (R-MI) and from Ranking Member Sander Levin (D-MI).

Background

On March 23, 2010, President Obama passed a comprehensive health care reform, also known as Patient Protection and Affordable Care Act (PPACA or ACA), into law. The PPACA represents as one of the most significant health care regulatory overhaul since the passage of Medicare and Medicaid back in the 1960s. There are several provisions with the PPACA which includes mandates, subsidies, and insurance exchanges. The PPACA aims to protect individual Americans from certain set of rules or standards in which the individual may have been discriminated from the insurers prior to PPACA. There are provisions in the law that aims to expand health coverage, control health care costs, and improve overall health care outcomes. The goal of the health care reform is to provide coverage to millions of uninsured Americans. However, since the start of open enrollment on October 1st, there have been significant problems with the health insurance marketplace website. The technical problems with the launch of the exchanges will exacerbate the initial challenges in providing health care coverage to individual Americans. There have been numerous issues with users attempting to enroll with the website, including being unable to create accounts, to navigate the website, and to receive accurate information about the health plan choices and costs. Also, numerous Americans are reporting that they are receiving cancellations from their health insurance companies. The insurance industries are having to change their policies or even cancel their plans under the PPACA rules.

Witness

Marilyn Tavenner, administrator of the Centers for Medicare & Medicaid Services (CMS) at the U.S. Department of Health and Human Services (HHS) testified before Congress about the launch of the website in support of the implementation of PPACA. Ms. Tavenner stated that there have been over 20 million unique visits to healthcare.gov website. Approximately 700,000 applications have been received to the Federal and state marketplaces. Ms.

Tavenner acknowledged the frustrations that many Americans have experienced since the launch of the website. There have been several technical errors and forms that have failed to provide users with responses in a timely manner. Ms. Tavenner apologized to the millions of Americans who have been unsuccessful in enrolling for health care coverage through the website.

In efforts to improve the health care website, Ms. Tavenner explained, new codes have been made to improve and to update the system. The website increased their capacity in order to meet the demands of applicants. This allows for the applicants to successfully create an account and enrolling into a health care plan. To further address technical problems with healthcare.gov, an external team of experts have been brought onto the project. Ms. Tavenner reassured the Committee members that CMS is committed to improving the consumer experience with the website.

Ms. Tavenner concludes her testimony by highlighting the benefits that the PPACA has already provided to Americans with health care coverage. The health care reform is holding the insurers accountable for the rate that they charge onto consumers. It also created competition among insurers and insurance affordability programs which includes premium tax credits and cost-sharing reductions. She assured the Committee members and the American people that the website will be fixed and improvements are being made every week. CMS is committed to improve the consumer experience for using healthcare.gov so that Americans will have access to the quality and affordable health care.

Questions and Discussion from the Committee Members

Chairman Dave Camp (R-MI) expressed his concerns that many Americans may not be enrolling for the health care plans under the PPACA. Chairman Camp asked Ms. Tavenner, how many people are actually enrolled in a health care plan within the 700,000 completed applications that CMS has reported? Ms. Tavenner responded that specific numbers will be available in mid-November. Chairman Camp raised some concerns about CMS' enrollment projections, in which he states that 2.3 million young, healthy people need to enroll in the marketplace and cited reports listing that 494,620 people were expected to sign up for coverage by the end of October. Upon response, Ms. Tavenner repeated that the number of enrollments for October will be available in mid-november. The Chairman also spoke of the many Americans who are being dropped from their health plans because insurance companies are forced to readjust their plans to comply with the new set of rules issued under the PPACA. Ms. Tavenner explained that there are also several other venues to enroll into a health care plan under the PPACA. Whenever the insurers change or modify their health care plans, they must comply with a certain set of rules under the PPACA. Some of the new requirements are that companies must offer 10 essential benefits, cover pre-existing conditions, and cannot discriminate gender against consumers.

Ranking Member Sander Levin (D-MI) asked Ms. Tavenner to explain some of the standards issued under the PPACA and the benefits of the health care reform. Ms. Tavenner stated the new standards for the health insurance companies are fairly simple. Some Americans may qualify for tax returns. There have been consumer protection problems prior to the PPACA. However, the PPACA protects individuals against discrimination on pre-existing conditions.

Congressman Kevin Brady (R-TX) stated there are flaws with the health care law itself and not on the website. Congressman Brady expressed his frustrations for the technical problems that the American people have been experiencing since the launch of healthcare.gov website. He also asked if people will experience a coverage gap in their plans due to companies cancelling current health plans and individuals being unable to enroll into a plan because of the glitches in the websites. Ms. Tavenner responded that they have identified two major problems. First, they had underestimated the number of interest for the health exchange website. The number of visitors was not predicted. They have added more capacity to the system in order to meet the demands and to improve the overall system. Secondly, functional glitches were found in the actual application. Ms. Tavenner reassures the Congressman and the members that this is being fixed and will be resolved soon. In response to the coverage gap, there are other venues to enroll in a health care plan besides the website. There are federal call centers to assist people to shop and enroll in a health care plan.

Congressman Paul Ryan (R-WI) expressed his concerns that the enrollment process may allow some Americans, specifically in regards to young adults, to apply for and receive federal subsidies when they are not legally entitled to. Congressman Ryan asked if there is a verification system so that these consumers are not wrongfully taxed. Ms. Tavenner responded that there are several help options along the application process. Also, the application states that it is perjury to provide misinformation.

Congressman John Lewis (D-GA) asked Ms. Tavenner to explain to the hearing members how the ACA makes it possible for Americans to receive affordable healthcare. Ms. Tavenner responded that 78 million consumers saved \$3.4 billion on their premiums as a result and 17 million children with pre-existing conditions can no longer be denied. The ACA is working to control costs and provide the healthcare reform our country needs.

The witness testimony and committee press releases are available [here](#). Marilyn Tavenner will testify before the Senate Committee on Health Education Labor & Pensions (HELP) for a hearing titled, "[The Online Federal Health Insurance Marketplace: Enrollment Challenges and the Path Forward](#)" scheduled for Tuesday, November 5th at 10am EST.