

May 18, 2010

Ms. Nancy Ann DeParle, Director
Office of Health Reform
The White House
Washington, D.C.

Dear Ms. DeParle:

One of the many advances made in the Patient Protection and Affordable Care Act (PPACA) is the establishment of an essential benefits package. For the first time there will be a clear definition of what constitutes essential coverage, which is vital both to improving the level of coverage and care, to empowering consumers and to creating a more constructively competitive insurance market. However, the data necessary to define the package may not be forthcoming unless the survey of employer-sponsored coverage mandated by the PPACA is funded and conducted in a timely and rigorous manner.

Although the Secretary of Health and Human Services is charged with developing the essential benefits package, a critical piece of the underlying evidence for the package rests with the Secretary of Labor. Under Section 1302, the Secretary of Labor is charged with conducting “a survey of employer-sponsored coverage to determine the benefits typically covered by employers, including multi-employer plans, and provide a report on such survey to the Secretary.” The information collected from such a survey could have a profound impact on the nature and extent of the initial essential benefit package and provide the crucial evidence to defend the difficult decisions that the Secretary of Health and Human Services will need to make.

Unfortunately, Congress did not appropriate funds to the Department of Labor for this critical function. Although the Bureau of Labor Statistics and the Employee Benefit Security Administration have extensive knowledge and experience with employer-sponsored health coverage, the data currently available to them do not provide the kind of comprehensive picture of benefits that is necessary to properly inform the Secretary of Health and Human Services’ decisions. Identifying the breadth, scope, and detail of benefits offered in “typical” employer-sponsored plans will require a unique survey to supplement and complement existing data.

As consumer, worker, and patient-centered organizations, we view the development of the essential benefits package as one of the major cornerstones of this landmark legislation and want to work to ensure its successful implementation to the fullest extent possible. We strongly urge you to work with the Office of Management and Budget and the departments to make the necessary funds available to the Department of Labor to

fulfill the spirit of the law. We will be glad to provide any additional support you may need in this effort, and we look forward to working with you and your staff on many other aspects of reform in the coming months and years.

If you have any further questions, please contact Stephen Finan at the American Cancer Society Cancer Action Network (202 661-5780 or SFinan@cancer.org). (We are sending copies to Secretaries Sebelius and Solis).

Sincerely,

Organizations

AARP

ACCSES

AFL-CIO

AFSCME

American Association on Intellectual & Developmental Disabilities

American Association of People with Disabilities

American Cancer Society Cancer Action Network

American Foundation for the Blind

American Heart Association

American Medical Rehabilitation Providers Association

American Music Therapy Association

American Network of Community Options and Resources

APSE

American Therapeutic Recreation Association

Association of University Centers on Disabilities

Bazelon Center for Mental Health Law

Brain Injury Association of America

Easter Seals

Epilepsy Foundation

Family Voices

Health Access California

California Pan-Ethnic Health Network

Children and Adults with Attention-Deficit/Hyperactivity Disorder

Colorado Consumer Health Initiative

Congress of California Seniors

Consumer Watchdog

Consumers for Affordable Health Care Foundation

Disabilities Rights and Education Fund

Families USA

Having Our Say

Health Care for All (Mass.)

Mental Health America

National Alliance on Mental Illness

National Association for the Advancement of Orthotics and Prosthetics

National Association of State Head Injury Administrators
National Association of Social Workers
National Council for Community Behavioral Healthcare
National Council of Jewish Women
National Partnership for Women and Families
National Multiple Sclerosis Society
National Spinal Cord Injury Association
National Women's Law Center
SEIU
The ARC of the United States
Treatment Access Expansion Project
United Cerebral Palsy
United Spinal Association

Individuals

Timothy Jost, Professor
Washington and Lee University School of Law
Consumer Representative to the National Association of Insurance Commissioners

Wendell Potter
Center for Media and Democracy
Consumer Representative to the National Association of Insurance Commissioners