March 2, 2015

The Honorable Sylvia Mathews Burwell
Secretary
U.S. Department of Health and Human Services
200 Independence Avenue SW
Washington, D.C. 20201

Dear Secretary Burwell,

We write to support your efforts to ensure that women have full access to the comprehensive, affordable health insurance coverage guaranteed by the Affordable Care Act (ACA).

The ACA has made historic progress towards ending discrimination against women in the health insurance market by requiring private health insurance plans to include maternity coverage as an Essential Health Benefit. This is a critical protection — good maternity care is essential for the well-being of children, and studies show that maternal mortality rates are three to four times higher for women who do not receive prenatal care. Millions of women have benefitted from this protection, and we appreciate your leadership in getting this done.

However, if a woman becomes pregnant at a time outside of the Open Enrollment period and is uninsured, or enrolled in a grandfathered plan that does not cover maternity services, then she will not be able to access coverage for maternity care. Without access to maternity care coverage, these women are forced to either forgo this critical care or face significant out of pocket costs.

We appreciate your efforts to address this problem in the recently released Final Notice of Benefit and Payment Parameters for 2016, in which you acknowledge many advocacy groups’ request for a special enrollment period in the insurance marketplaces for pregnant women and describe how the flexibility afforded by §155.420(d)(9) allows you to address the issue through sub-regulatory guidance. We encourage you to use that authority to create a special enrollment period to maximize women’s access to coverage.

We appreciate your timely attention to this matter and look forward to working with you to ensure that all women and families have access to this Essential Health Benefit.

Sincerely,

Patty Murray
United States Senator

Barbara A. Mikulski
United States Senator
Heidi Heitkamp  
United States Senator

Tim Kaine  
United States Senator

Patrick J. Leahy  
United States Senator

Claire McCaskill  
United States Senator

Christopher Murphy  
United States Senator

Jack Reed  
United States Senator

Charles E. Schumer  
United States Senator

Debbie Stabenow  
United States Senator

Mazie K. Hirono  
United States Senator

Amy Klobuchar  
United States Senator

Edward J. Markey  
United States Senator

Jeff Merkley  
United States Senator

Gary Peters  
United States Senator

Bernard Sanders  
United States Senator

Jeanne Shaheen  
United States Senator

Jon Tester  
United States Senator