



DEPARTMENT OF HEALTH & HUMAN SERVICES

Centers for Medicare & Medicaid Services

OCT 29 2014

Administrator
Washington, DC 20201

Mr. Hrant Jamgochian, J.D., LL.M.
Executive Director
Dialysis Patient Citizens
122 C Street, Suite 510
Washington, DC 20001

Dear Mr. Jamgochian:

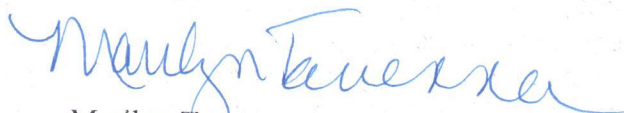
Thank you for your letter regarding the essential health benefits (EHB) and coverage of end stage renal disease (ESRD) related services by qualified health plans (QHP).

As you know, under the final rule on *Standards Related to Essential Health Benefits, Actuarial Value, and Accreditation* ("Final EHB Rule"; 78 FR 12834), non-grandfathered health insurance plans in the individual and small group markets provide coverage of at least ten general categories of items and services that are equal in scope to a typical employer health plan. These requirements are in accordance with section 1302 of the Affordable Care Act and section 2707 of the Public Health Service Act. Since the requirement to cover EHB, including the non-discrimination provisions applicable to EHB, are market-wide standards, the primary enforcer of the EHB requirements is the state. Therefore, your concerns about ESRD private insurance coverage in a particular state should be directed to the Department of Insurance in that state (in states in which the Centers for Medicare & Medicaid Services (CMS) is directly enforcing EHB requirements, your concerns should be forwarded to us).

Additionally, your letter discusses the issue of Medicare eligibility and enrollment in a QHP and ESRD patients' ability to stay enrolled in a QHP when they become eligible for Medicare benefits. Recently, CMS released additional guidance in this area in a Frequently Asked Questions document about Medicare and the Marketplace that is available at: http://www.cms.gov/Medicare/Eligibility-and-Enrollment/Medicare-and-the-Marketplace/Downloads/Medicare-Marketplace_Master_FAQ_8-28-14_v2.pdf. This document should be responsive to your concerns.

Again, thank you for your comments and interest in the implementation of the Affordable Care Act. I look forward to continuing to work with Dialysis Patient Citizens as we implement this law. Please do not hesitate to contact me if you have any further thoughts or concerns.

Sincerely,



Marilyn Tavenner