Congress of the United States
Washington, DC 20515

March 12, 2015

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

Dear Secretary Burwell,

We write to urge you to create a special enrollment period for pregnant women to be able to enroll in health coverage and access the critical prenatal and maternity care they need.

The Affordable Care Act has made historic progress towards ending discrimination against women in the health insurance market by requiring plans to cover maternity care as an Essential Health Benefit. This is a critical protection – good maternity care is essential for the well-being of women and children. Studies show that women who do not receive prenatal care are more likely to have an infant die in the first month after birth, and maternal mortality rates are up to four times higher for women who do not receive prenatal care than for women who do. Millions of women have benefited from this protection, and we appreciate your leadership in getting this done.

However, many women are still vulnerable. If a woman becomes pregnant while uninsured at a time outside of the annual Open Enrollment period, or is enrolled in a grandfathered plan that does not cover maternity services, she will not able to access coverage for maternity care. These women are forced to either forgo critical prenatal care or face significant out of pocket costs. Special enrollment periods currently exist for qualifying life events like the birth of a child or the adoption of a child. We believe pregnancy should trigger a similar special enrollment period.

We appreciate your efforts to try to address this issue in the recently released Final Notice of Benefit and Payment Parameters for 2016. The Final Notice acknowledged many advocacy groups' request for a special enrollment period in the insurance marketplaces for pregnant women and described how the flexibility afforded by §155.420(d)(9) allows you to address the issue through sub-regulatory guidance. We urge you to exercise that authority and issue guidance to create a special enrollment period for pregnancy.

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 the prenatal and maternity care they need.

Sincerely,

Bonnie Watson Coleman
Member of Congress

Jackie Speier
Member of Congress

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Member of Congress

Suzanne Bonamici
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