



September 11, 2024

The Honorable Virginia Foxx
Chairwoman
Committee on Education & the Workforce
U.S. House of Representatives
2176 Rayburn House Office Building
Washington, DC 20515

The Honorable Robert C. “Bobby” Scott
Ranking Member
Committee on Education & the Workforce
U.S. House of Representatives
21011 Rayburn House Office Building
Washington, DC 20151

Re: Patient community concerns H.J. Res. 181, Congressional Review Act resolution to stop the Biden-Harris rule limiting access to Association Health Plans (AHPs)

Dear Chairwoman Foxx and Ranking Member Scott,

The undersigned organizations represent more than 120 million people living with a pre-existing condition in the United States. Collectively, we have a unique perspective on what individuals and families need to prevent disease, cure illness, and manage chronic health conditions. The diversity of our organizations and the populations we serve enable us to draw upon a wealth of knowledge and expertise that are critical components of any discussion aimed at improving or reforming our healthcare system.

Our organizations share three principles that we use to help guide our work on healthcare to continue to develop, improve upon, or defend the programs and services our communities need to live longer, healthier lives.ⁱ These principles state that healthcare must be adequate, affordable, and accessible.

With these principles at the forefront, our organizations strongly oppose any measures that could negatively impact the quality and affordability of healthcare for patients.

Association Health Plans (AHPs) have historically proven risky for enrollees – sometimes leaving patients with thousands of dollars in medical debt. They are particularly worrisome for people with chronic diseases and disabilities. Some of these entities have a long history of fraud and other dubious practices and, according to state insurance regulators, “have been notoriously prone to insolvencies.”ⁱⁱ

The rule in question was supported by our organizations.ⁱⁱⁱ It reinstates standards and regulatory structures that have served to protect patients and consumers, but had been eliminated or substantially altered by a 2018 rule change that many of our organizations opposed.^{iv v}

In addition to having a history of financial mismanagement, AHPs are not required to cover services included in the essential health benefits (EHB) package. They are permitted to charge higher premiums based on occupation (a loophole that allows discrimination based on gender and other

factors as well), and in some situations, health status. In addition, they can siphon away healthy individuals from ACA-compliant individual and small-group coverage, leading to higher premiums and fewer plan choices for the people who depend on those markets to access comprehensive coverage.^{vi}

We urge the committee to reject the resolution and, instead, partner with organizations like ours to identify opportunities to expand affordable, accessible, and adequate healthcare coverage for patients. If you have questions or would like to discuss this further, please contact Katie Berge Senior Director, Federal Affairs with The Leukemia & Lymphoma Society at katie.berge@lls.org.

Sincerely,

American Cancer Society
Cancer Action Network
American Heart Association
American Lung Association
Cystic Fibrosis Foundation
Epilepsy Foundation
Hemophilia Federation of America
National Bleeding Disorders Foundation
National Health Council
National Multiple Sclerosis Society
National Organization for Rare Disorders
Susan G. Komen
The AIDS Institute
The Leukemia & Lymphoma Society
WomenHeart

ⁱ Consensus Healthcare Reform Principles. <https://www.lung.org/getmedia/0912cd7f-c2f9-4112-aaa6-f54d690d6e65/PPC-Coalition-Principles-FINAL.pdf>.

ⁱⁱ Comment 623 National Association of Insurance Commissioners and The Center for Insurance Policy and Research NAIC 03062018. <https://www.regulations.gov/comment/EBSA-2018-0001-0611>

ⁱⁱⁱ Comments on Proposed Rescission of Association Health Plan Final Rule (RIN 1210-AC16). https://www.protectcoverage.org/siteFiles/45730/02%2020%202024%20PPC_AHP%20NPRM%20Comments_w%20signature%20ons.pdf

^{iv} Definition of "Employer" under Section 3(5) of ERISA-Association Health Plans. <https://www.regulations.gov/document/EBSA-2018-0001-0725>

^v Statement in opposition to rule. <https://www.heart.org/-/media/files/get-involved/advocacy/regulatory-comments-and-correspondence-letters/access/030618-coalition-ahp-comments--final.pdf>

^{vi} Undercovered: How Insurance Like Products are Leaving Patients Exposed. https://www.lls.org/sites/default/files/National/undercovered_report.pdf