



NATIONAL CONFERENCE *of* STATE LEGISLATURES

The Forum for America's Ideas

October 6, 2016

The Honorable Sylvia Burwell
Secretary
Centers for Medicare & Medicaid Services,
Department of Health and Human Services
P.O. Box 8016
Baltimore, MD 21244-8016

Michael Gronstal
*Senate Majority Leader
Iowa
President, NCSL*

Raúl E. Burciaga
*Director
Legislative Council Service
New Mexico
Staff Chair, NCSL*

William T. Pound
Executive Director

Re: (CMS-9934-P) Proposed Rule – Patient Protection and Affordable Care Act; Health and Human Services (HHS) Notice of Benefit and Payment Parameters for 2018

Dear Secretary Burwell:

On behalf of the National Conference of State Legislatures (NCSL) we are writing to express our concerns with the comment period provided on the proposed rule published in the September 6, 2016 *Federal Register*, “Patient Protection and Affordable Care Act; Health and Human Services (HHS) Notice of Benefit and Payment Parameters for 2018 (CMS-9934-P).”

A 30-day comment period to review the proposals, devised to improve the sustainability and stability of health insurance markets across the country, is insufficient time to examine their validity. These proposals merit a full comment period of 60 days from the date of publication in the *Federal Register*. Executive Order 12866, which was reiterated in President Obama’s Executive Order 13563, appears applicable: “each agency should afford the public a meaningful opportunity to comment on any proposed regulation, which in most cases should include a comment period of not less than 60 days.”

NCSL shares the Center for Medicare and Medicaid Services (CMS) goal of ensuring the public access to quality health care coverage options through a strong health insurance market system. However, NCSL urges CMS to consider working as partners with state legislatures in determining which systems modifications will work best in securing these goals. The unique nature of the health insurance marketplace in each state should be considered before making broad sweeping modifications.

NCSL urges CMS to consider these concerns and to offer additional time for examination of your proposals as outlined in the proposed rule.

Sincerely,

William T. Pound
Executive Director
National Conference of State Legislatures

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