



THE SECRETARY OF HEALTH AND HUMAN SERVICES
WASHINGTON, D.C. 20201

April 10, 2015

The Honorable Patty Murray
United States Senate
Washington, DC 20510

Dear Senator Murray:

Thank you for your ongoing commitment to the Affordable Care Act and your leadership on efforts to promote women's access to maternity care. Your letter, signed by 36 of your colleagues, highlights the important association between early and regular maternity care and improved health outcomes for mothers and babies.

Maternity care has been a longstanding priority of the Department of Health and Human Services (HHS), and the Affordable Care Act further highlighted its importance by including such care as an Essential Health Benefit. Today, thanks to the Affordable Care Act, all individual market and small group plans that are not grandfathered or transitional—including qualified health plans on the Marketplaces—must cover maternity care services. Additionally, as you know, due to protections under the Affordable Care Act, women cannot be discriminated against on the basis of gender or pre-existing conditions when purchasing health insurance through the Marketplaces.

In your letter, you asked HHS to establish a Marketplace special enrollment period that would allow pregnant women to enroll in health insurance coverage. We have reviewed the statute and our regulations and have concluded that we do not have the legal authority to establish pregnancy as an exceptional circumstance.

It is important to note that Medicaid and the Children's Health Insurance Program (CHIP) continue to provide access to critical coverage for pregnant women. Women with low and moderate incomes can enroll in these programs at any time if they qualify. And, like all other qualified individuals, pregnant women can enroll in the Marketplace during annual open enrollment period.

We appreciate your input on furthering our mutual goals of improving access to quality health care services and promoting the health of mothers and babies. Your continued help in educating women of childbearing age about the health coverage options available to them—and when they may enroll in coverage through the Marketplaces, Medicaid, or CHIP—is critical.

We are committed to working with you and your colleagues to continue to improve women's access to coverage and early and regular prenatal care.

Sincerely,

A handwritten signature in blue ink, appearing to read 'SMB', with a long horizontal flourish extending to the right.

Sylvia M. Burwell