



North Dakota
Insurance Department
Adam Hamm, Commissioner

March 1, 2012

The Honorable Kathleen Sebelius
Secretary, U.S. Department of Health and Human Services
Via electronic mail

Dear Secretary Sebelius:

In response to the December 16, 2011 Essential Health Benefits (EHB) Bulletin (Bulletin) issued by the U.S. Department of Health and Human Services (HHS) I respectfully request that the State of North Dakota be provided additional time to choose a benchmark plan that best suits its health care consumers and does not disrupt our health insurance marketplace. We make this request based on the need to have the appropriate branch of government make the decision and the lack of time to complete the necessary analysis to make an informed decision for North Dakota consumers.

North Dakota is one of four states whose legislature meets biennially. The North Dakota Legislative Assembly will not meet again in regular session until January 2013, which is well beyond the deadline for a decision outlined in the Bulletin. Only the Legislative Assembly has the power to make law mandating certain benefits be covered in insurance policies.

There are a multitude of questions left unanswered regarding EHB choices as evidenced by the many written comments made by states to HHS and asked in the many phone calls with HHS staff each week. Assuming the rules will take several weeks if not months to finalize and that the enrollment data needed to make the decision will not be available until April, how can a state be expected to complete a thorough analysis of the benchmark options by the third quarter of 2012?

We understand a timely decision on EHB is critical to ensure that health carriers have adequate time to develop these products, have them approved by our Department and release them to their customers. However, given the dramatic and potentially costly impact of this decision to the health insurance industry and our citizens, only thoroughly researched options should be considered.

Thank you for your attention to this request. I look forward to hearing from you soon.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Adam Hamm', with a large, sweeping flourish extending from the bottom left.

Adam Hamm
Insurance Commissioner

C: The Honorable Governor Jack Dalrymple
Kent Conrad, United States Senate
John Hoeven, United States Senate
Rick Berg, United States House of Representatives
Senator Rich Wardner, Senate majority leader
Representative Al Carlson, House of Representatives majority leader
Representative George Keiser, Health Care Reform Review committee chairman
Representative Jerry Klein, Health Care Reform Review committee vice chairman
Dr. Terry Dwelle, State Health Officer, Department of Health
Carol Olson, Executive Director, Department of Human Services