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October 24, 2013

The Honorable Kathleen Sebelius  
Secretary  
U.S. Department of Health and Human Services  
200 Independence Avenue, S.W.  
Washington, D.C. 20201

Dear Secretary Sebelius:

According to media reports, you will be touring a Patient Protection and Affordable Care Act (PPACA) call center in Phoenix, Arizona today – a visit that would appear timely. Because of the persistent and troubling problems many are facing during the healthcare program’s open-enrollment season, earlier this week the President suggested signing up or obtaining information using the available telephone hotline rather than relying on the problematic Healthcare.gov site. Given the substantial issues that have come to light in the healthcare law’s launch, it would appear just as timely to raise concern with the lack of transparency surrounding details related to the healthcare exchanges.

In carrying out Congress’ oversight responsibilities, it is critical that we have access to accurate and timely information on PPACA implementation. HHS should serve as the clearing house to collect, analyze, and disseminate timely information on enrollment for federal run exchanges as well as the information made available by the fifteen states and the District of Columbia operating their own exchanges and using various metrics to report their enrollment figures. While HHS was forthright in reporting that Healthcare.gov received 14.6 million unique visits within the first 11 days<sup>1</sup>, your agency failed to disclose the number of individuals who have successfully enrolled in insurance coverage.

Even more troubling are recent reports that the administration asked a private insurance company to withhold marketplace enrollment information. An article in the *Grand Forks Herald* from October 22 reported that a consumer sales manager for Blue Cross Blue Shield of North Dakota received a request from the federal government to not publicize “how many people have signed up for health insurance through a new online exchange.”<sup>2</sup> No matter what the motivation, it is alarming to hear that an administration that continues to tout transparency and openness would ask a private insurance company to withhold this kind of information.

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<sup>1</sup> Juliet Eilperin, *Visits to federal health-care Web site off 88%*, THE WASHINGTON POST (Oct. 15, 2013), [http://www.washingtonpost.com/national/health-science/visits-to-federal-health-care-web-site-off-88percent/2013/10/15/7a73f45c-35e2-11e3-be86-6aeaa439845b\\_story.html](http://www.washingtonpost.com/national/health-science/visits-to-federal-health-care-web-site-off-88percent/2013/10/15/7a73f45c-35e2-11e3-be86-6aeaa439845b_story.html).

<sup>2</sup> Kyle Potter, *Feds ask Blue Cross Blue Shield not to release exchange numbers*, Grand Forks Herald (Oct. 22, 2013), <http://www.grandforksherald.com/event/article/id/276424/>.

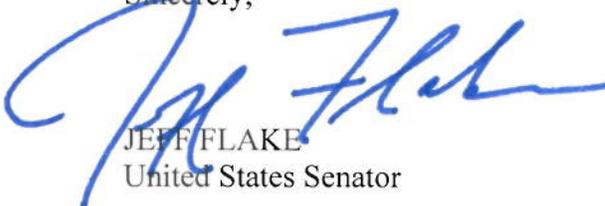
In the spirit of transparency, I request that you:

- Ensure that your agency report timely, accurate data detailing at a minimum exchange enrollments on November 1, 2013 and follow up each month with the total numbers of new individuals enrolled per month in the federally-facilitated marketplaces and state-led exchanges to the extent information is available.
- Detail your knowledge of any and all gag orders or other attempts to stop information from being disclosed by private insurance companies or other healthcare stakeholders, including who made the requests, to whom they were made, and when you were made aware.

With the continued focus on requirements being delayed, deadlines being pushed back, and penalties being deferred, it may be expedient to assume that meaningful Congressional oversight could be similarly postponed. I hope we can agree that continuing problems with the rollout and lasting concerns regarding the overall viability of the structure of the PPACA make an informed evaluation of its launch and subsequent implementation all the more critical. Clearly, timely and accurate information is key to that effort and I hope we can also agree that any attempt to block or withhold information is inappropriate and counterproductive.

Thank you for your prompt attention to this matter. If you have any questions or wish to discuss this further please contact Sarah Towles in my office at (202)224-4521.

Sincerely,



JEFF FLAKE  
United States Senator