



December 5, 2017

Centers for Medicare & Medicaid Services
Department of Health and Human Services
Attn: CMS-9940-IFC and CMS-9925-IFC
P.O. 8016
Baltimore, MD 21244-8016

Re: Religious and Moral Exemptions and Accommodations for Coverage of Certain Preventive Services Under the Affordable Care Act - CMS-9940-IFC and CMS-9925-IFC

To Whom It May Concern:

The District of Columbia Health Benefit Exchange Authority (HBX) appreciates your consideration of our comments on the above-cited interim final rules.

By way of background, HBX is a private-public partnership established by the District of Columbia (District) Council to develop and operate the District's on-line health insurance marketplace, DC Health Link (DCHealthLink.com). DC Health Link fosters competition and transparency in the private health insurance market, enabling individuals and small businesses to compare health insurance prices and benefits and to purchase affordable, quality health insurance. Leveraging the Affordable Care Act (ACA) and DC Health Link, the District now has the lowest uninsured rate we have ever had. More than 96% of District residents now have health coverage.

The interim final rules on contraception coverage impact millions of women and their access to health care. There is significant public interest in millions of women having access to contraceptive medication. The complete policy reversal resulting in women having less health insurance coverage was done without any opportunity for public comment. There was no prior proposal to establish an exemption based on a moral objection and thus no prior opportunity to comment on such an exemption.

Furthermore, the Departments' interpretation is arbitrary and capricious. The rules contradict legislative history. During the drafting of the ACA, Congress considered and rejected an accommodation for individuals, plan sponsors, and insurance carriers with religious or moral objections to any item or service.¹

HBX requests the interim final rules be rescinded.

Sincerely,

A handwritten signature in black ink, appearing to be "Mila Kofman", written over a horizontal line.

Mila Kofman
Executive Director
DC Health Benefit Exchange Authority

¹ 155 CONG. REC. S13193 (daily ed. Dec. 14, 2009).

