



State of Wisconsin / OFFICE OF THE COMMISSIONER OF INSURANCE

Scott Walker, Governor
Theodore K. Nickel, Commissioner

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September 28, 2012

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

Dear Secretary Sebelius:

Wisconsin does not have the necessary information from the Department of Health and Human Services (HHS) to make an Essential Health Benefits (EHB) Benchmark Plan determination by September 30. Without specific EHB regulations in place, we are unable to choose a benchmark option that would best serve Wisconsin consumers.

Recognizing that your office has continually missed regulatory deadlines, we ask that you provide states the same flexibility your office has provided itself. With no EHB regulations issued to date, two days before states are to identify their EHB Benchmark plans, we respectfully request that HHS not make this important decision on behalf of Wisconsin. We renew our request made to Director Cohen in August that you extend the deadline for states to submit their EHB benchmark options to a date that falls at least 60 days after the final EHB regulations are issued. Additional time will provide for the opportunity to thoroughly review the regulations and obtain stakeholder feedback on the benchmark options available to Wisconsin.

Thank you for your time and consideration of our request.

Sincerely,

Theodore K. Nickel
Commissioner
Office of the Commissioner of Insurance