

LOU BARLETTA
11TH DISTRICT, PENNSYLVANIA

TRANSPORTATION AND
INFRASTRUCTURE COMMITTEE

EDUCATION AND THE WORKFORCE
COMMITTEE

HOMELAND SECURITY COMMITTEE



Congress of the United States
House of Representatives

Washington, DC 20515-3811

June 8, 2015

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

Dear Secretary Burwell:

As you may know, I have taken a strong interest in protecting our nation's volunteer firefighters and emergency responders, especially when it comes to the unintended consequences of the Patient Protection and Affordable Care Act (PPACA). These volunteers place their lives at risk every day to protect their neighbors, and it is incumbent upon us to ensure that they are cared for if they are harmed in the line of duty.

Therefore, I am writing you regarding the status of Accident & Health (A&H) insurance policies issued to Volunteer Fire Departments and Emergency Service Organizations under the PPACA. A handful of state insurance departments have recently denied these A&H policies on the grounds that, in order for the policy to provide "illness" coverage, it must conform to the PPACA's requirements for qualified health plans. Further, they have deferred to your administration for clarification.

A&H policies provide coverage for injury and illness (e.g. death, disability, medical expenses, and other related benefits) that occur as a direct result of one's travel to, participation in, and return from covered activities of their respective organization. In short, the coverage is duty and activity driven – not unlike workers compensation policies – because the covered activities are service connected.

Additionally, in some states, volunteer firefighters are either not covered by workers' compensation or have limited coverage compared to what's provided for full-time firefighters. A&H policies help fill in these gaps to provide an effective safety net for our nation's emergency services volunteers should they be injured on the job.

Without this coverage, volunteer firefighters and emergency responders, who, according to the National Volunteer Fire Council, represent approximately 85 percent of our nation's fire departments, would be less likely to volunteer, thereby, jeopardizing the safety of our communities. For these reasons, I urge you to clarify that these A&H policies qualify as "excepted benefits" under the Public Health Service Act §2791(c)(1)(D) ("workers' compensation or similar insurance"), which would exempt these policies from the PPACA.

I appreciate your attention to this important matter regarding our nation's firefighters and emergency responders, and respectfully request your timely response. If you require any additional information, please contact Megan Perez in my office at (202) 225-6511 or megan.perez@mail.house.gov.

Sincerely,

A handwritten signature in blue ink that reads "Lou Barletta". The signature is written in a cursive, flowing style.

Lou Barletta
Member of Congress