

Congress of the United States
Washington, D.C. 20515

May 19, 2020

The Honorable Alex M. Azar II
Secretary
U.S. Department of Health & Human Services
200 Independence Avenue, SW
Washington, D.C. 20201

Dear Secretary Azar:

As the COVID-19 pandemic continues to displace at least 14 million college students¹ in the United States from their campuses, we urge you to take action to ensure that students are informed about their health care coverage options, so they do not experience unnecessary disruptions in health care.

As a result of the *Affordable Care Act* (ACA)², many college and university students under the age of 26 can receive health insurance coverage under their parents' health plans. Additionally, students across the country may receive coverage from student health insurance plans sponsored by their colleges or universities. This coverage is usually in coordination with existing student health centers or university medical centers on campus. Despite this, some students may still lack health insurance coverage and have struggled to receive the information and support they need to find affordable coverage while balancing ever-increasing college costs. Ensuring that all students in higher education have access to health insurance coverage and benefits is a critical part of keeping families and communities safe during the COVID-19 pandemic and reducing the spread of the virus.

Millions of students have been affected by COVID-19. They may not know how their existing coverage is impacted by the pandemic, whether their coverage extends to COVID-19-related benefits, or how to sign up for coverage if they do not already have it. This is particularly true for the many students who now live in a different state and are separated from their student health clinics or normal providers. For those students with chronic health conditions, these problems are particularly urgent. Further, many students living off campus during this pandemic unfortunately may not be able to return to their college or university this fall and may face a break in coverage. It is important to preserve comprehensive health insurance coverage for students at risk of contracting or spreading COVID-19, through student health plans or other affordable, comprehensive options.

To date, the U.S. Department of Health and Human Services (HHS) has declined to create a broader open enrollment period that would allow those in sudden need of coverage to obtain new coverage from the Marketplace. We urge you to reverse this decision. Further, until HHS undertakes a more comprehensive response, HHS should work with the U.S. Department of Education to notify students about their insurance options and that moving away from campus may be a qualifying life event under the ACA that allows students to enroll in individual health insurance plans through a Special Enrollment

¹ Abigail Hess, *How Coronavirus Dramatically Changed College for Over 14 Million Students*, CNBC (Mar. 26, 2020, 2:07 PM), <https://www.cnbc.com/2020/03/26/how-coronavirus-changed-college-for-over-14-million-students.html>.

² 42 U.S.C. 300gg-14.

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Period (SEP). SEPs are critically important and students need to understand their options for Marketplace coverage, which provides comprehensive benefits unlike short-term limited duration insurance (STLDI). The U.S. Department of Education has the authority to inform recipients of federal student financial aid of federal and state means-tested benefits, such as Marketplace coverage, pursuant to Section 312 of the *Continuing Appropriations Act, 2019*, and we encourage you to work with Secretary DeVos to ensure that students and their families are fully aware of their options to obtain coverage.

More than 200,000 students³ currently enrolled in self-funded student health insurance plans may also face additional challenges in understanding their health care coverage and COVID-19-related benefits. As you know, self-funded student health insurance coverage is not coverage that is offered by issuers or group health plans but rather is a type of individual market health insurance coverage offered to students and their dependents under a written agreement between an institution of higher education and an issuer.⁴ The *Families First Coronavirus Response Act*⁵ requires all group health plans and health insurance coverage to offer free testing for COVID-19. States generally lead in regulation of self-funded student health insurance plans. Given the variety of state regulations, we urge HHS to work closely with states to ensure self-funded student health insurance plans inform covered students about their current COVID-19 testing and treatment coverage.

Informing college students about the full range of available health coverage opportunities during the COVID-19 pandemic is not only of paramount importance to ensuring their health and safety, but also the health and safety of the communities in which they reside during this pandemic. We therefore urge HHS to take any available actions to inform students and their dependents about the comprehensive health insurance options available to them to ensure their continued access to high quality health coverage.

Sincerely,



ROBERT C. "BOBBY" SCOTT

Chairman

House Committee on Education and Labor



PATTY MURRAY

Ranking Member

Senate Committee on Health, Education, Labor
and Pensions

Cc: The Honorable Betsy DeVos, Secretary, U.S. Department of Education

³ In June 2019, a survey conducted during the American College Health Association's annual meeting showed that about 297,000 students are covered by not-for-profit, self-funded student health plans provided by four-year colleges and universities. Press Release, Lookout Mountain Group, 297,000 Students are Covered by Not-for-profit, Self-funded Student Health Plans Provided by 4-year Colleges (June 25, 2019) available at <https://documentcloud.adobe.com/link/track?uri=urn%3Aaaid%3Ascds%3AUS%3Af827c6ec-cdfa-4829-9cf5-594b55fd27c1>.

⁴ Student Health Insurance Coverage, 77 Fed. Reg. 16,453, 16,455 (Mar. 21, 2012) (to be codified at 45 C.F.R. Pts. 144, 147, and 158) available at <https://www.federalregister.gov/documents/2012/03/21/2012-6359/student-health-insurance-coverage>.

⁵ 42 U.S.C. 1320b-5.