

October XX, 2011

Honorable Kathleen Sebelius
Secretary, Department of Health and Human Services
Hubert H. Humphrey Building
200 Independence Avenue S.W.
Washington, D.C. 20201

Dear Secretary Sebelius,

I am writing in reference to the proposed rule for Standards Related to Reinsurance, Risk Corridors and Risk Adjustment that appeared in the Federal Register, Volume 76, No.136, pages 41930-41956. I am deeply concerned by the proposed options for data collection under risk adjustment, which would give bureaucrats access to health information about every American.

Options one and two are especially troublesome as they require the submission of extremely sensitive private health care data and private insurer actuarial risk model calculations to a federal or state centralized health care database. Option three is hardly better. The calculation of individual risk scores requires raw claims data, and even if insurers calculate risk scores themselves, the federal government would need to access raw claims data in order to review and verify the accuracy of insurer risk scores. Regardless of whether the data collection would involve raw claims data or individual risk scores, the creation of such a risk adjustment database constitutes extreme government overreach, impinges on patients' rights to privacy and jeopardizes fair competition in the health care market.

The aggregation of such a large amount of confidential information in a single database also presents a serious security risk. There have been significant data security breaches at the VA, USDA, DOD, DOE, and even HHS itself. In fact, all nineteen departments have reported at least one loss of personally identifiable information in the last eight years. It is inexcusable that the federal government has been responsible for putting confidential information for hundreds of thousands of Americans at risk. The creation of yet another database only increases the chances of such a breach occurring again.

Implementation of a database would also be incredibly costly and time-consuming. Given our country's current fiscal situation, the last thing the federal government needs to do is involve itself in what would be one of the largest and perhaps most costly data grabs in American history. I urge you to reject the current proposed rule and protect the privacy of American citizens.

Sincerely,

Tim Huelskamp
Member of Congress

List of Signers of Letter to HHS:

1. Rep. Tim Huelskamp (KS-01)
2. Rep. Lynn Westmoreland (GA-03)
3. Rep. Ron Paul (TX-14)
4. Rep. Marsha Blackburn (TN-07)
5. Rep. Alan Nunnelee (MS-01)
6. Rep. Larry Bucshon (IN-08)
7. Rep. Mark Kelly (PA-03)
8. Rep. Roscoe Bartlett (MD-06)
9. Rep. Mo Brooks (AL-05)
10. Rep. Jeff Duncan (SC-03)
11. Rep. Trent Franks (AZ-02)
12. Rep. Walter Jones (NC-03)
13. Rep. Lynn Jenkins (KS-02)
14. Rep. Mike Coffman (CO-06)
15. Rep. Bill Posey (FL-15)
16. Rep. Ted Poe (TX-02)
17. Rep. Phil Roe (TN-01)
18. Rep. Andy Harris (MD-01)
19. Rep. James Lankford (OK-05)
20. Rep. Vicky Hartzler (MO-04)
21. Rep. Reid Ribble (WI-08)
22. Rep. Steve Southerland (FL-02)
23. Rep. Joe Walsh (FL-08)
24. Rep. Jack Kingston (GA-01)
25. Rep. Tom Graves (GA-09)
26. Rep. Joe Pitts (PA-16)
27. Rep. Todd Akin (MO-02)
28. Rep. John Kline (MN-02)
29. Rep. Mike Pompeo (KS-04)
30. Rep. Howard Coble (NC-06)
31. Rep. Scott Tipton (CO-03)
32. Rep. Tom Cole (OK-04)
33. Rep. Denny Rehberg (MT-AL)
34. Rep. Steve Austria (OH-07)
35. Rep. Robert Aderholt (AL-04)
36. Rep. Todd Rokita (IN-04)
37. Rep. Corey Gardner (CO-04)
38. Rep. Louie Gohmert (TX-01)
39. Rep. Mike Conaway (TX-11)
40. Rep. Jean Schmidt (OH-02)
41. Rep. Paul Broun (GA-10)