

## **One out of Three Americans suffer from a Chronic Condition.**

Help Stop the Discrimination in Private Health Coverage

**Current Co-Signers:** Capps, Clarke, Clay, Cleaver, Cohen, Conyers, Defazio, DeLauro, Emanuel, Hare, Hirono, Kennedy, Loeb sack, Carolyn McCarthy, George Miller, James Moran, Christopher Murphy, Linda Sanchez, Sarbanes, Schakowsky, Schwartz, Sestak, Shea-Porter, Solis, Tierney, Waxman, Woolsey, Wu

**Endorsed by:** Advocacy for Patients with Chronic Illness, Inc., American Psychosocial Oncology Society, Association of Community Cancer Centers, C3: Colorectal Cancer Coalition, Cancer Leadership Council, Center for Medicare Advocacy, Connecticut AIDs Resource Coalition, Families USA, Friends of Cancer Research, Gilda's Club, International Myeloma Foundation, Juvenile Diabetes Research Foundation, Lung Cancer Alliance, Men's Health Network, National Multiple Sclerosis Society, National Patient Advocate Foundation, National Psoriasis Foundation, Oncology Nursing Society, Spina Bifida Association, The Leukemia & Lymphoma Society, Y-ME National Breast Cancer Organization

Dear Colleague:

I am writing to ask you to join me in cosponsoring the “**Pre-existing Condition Exclusion Patient Protection Act of 2007**” (H.R. 2833) to ensure that individuals who suffer from chronic, disabling, and life-threatening conditions have access to comprehensive, meaningful, and affordable health insurance coverage.

For more than a decade, the Health Insurance Portability and Accountability Act of 1996 (HIPAA, P.L. 104-191) has provided important protections to individuals and families when they change health plans due to job-related or other transitions. HIPAA was designed to help guarantee the availability and renewal of health insurance coverage by restricting the circumstances under which pre-existing condition limitations can be applied to private insurance beneficiaries. Yet, significant gaps in the laws hamper an individuals' access to care due to a pre-existing condition. This legislation aims to limit the gaps in the HIPAA coverage by:

\* **Shortening the amount of time during which an employer could exclude coverage for pre-existing conditions from 12 months to three months.**

Currently, individuals with pre-existing conditions as of a 63-day break in coverage eliminates any prior creditable coverage, thereby allowing an employer to exclude coverage for pre-existing conditions for up to 12 months. This decrease in the number of months in which an individual is unable to obtain health insurance would ensure that more Americans receive the health care coverage they need and that the law is consistent with the requirements for “state-qualified plans” under the Trade Adjustment Assistance Reform Act of 2002.

\* **Shrinking the permitted “look-back” period from six months to 30 days, thereby reducing the number of individuals who are caught in the pre-existing condition web.**

Currently, employers can restrict coverage for pre-existing conditions based on a six-month “look-back” period. When medical recommendations, diagnoses, and treatments occur during this timeframe, an individual is deemed to have a “pre-existing condition” for the given ailment that was addressed. This “look-back” period is sufficiently long that it likely impacts all

Americans with at least one chronic illness – one out of every three Americans.

\* Applying the same pre-existing condition protections afforded to individuals in the group health insurance market under HIPAA to individuals moving to, and within, the individual health insurance market.

This legislation would provide increased access to private health insurance for the almost 94 million Americans who suffer from at least one chronic illness. It also would ensure that the 158 million individuals who are insured through employer-based private plans and the more than 14 million individuals who are covered by non-group, private plans would have far better protection when changing jobs or their health care plans.

Please contact my Legislative Assistant, Ivy Mackin 5x2076 or [Ivy.Mackin@mail.house.gov](mailto:Ivy.Mackin@mail.house.gov) to sign on as a co-sponsor or if you have any questions.

Sincerely,

/S/  
Joe Courtney