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September 23, 2011

Steve Larsen
Deputy Administrator and Director
Center for Consumer Information and Insurance Oversight
Centers for Medicare & Medicaid Services
U.S. Department of Health and Human Services
200 Independence Avenue, SW
Washington, DC 20201

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Dear Mr. Larsen:

Business Roundtable (BRT) is an association of chief executive officers of leading U.S. companies. Together, our members' companies employ more than 14 million individuals and provide health care coverage to over 35 million American workers, retirees and their families. Our member companies are focused on improving the cost and the quality of the health care benefits offered to their employees and dependents. BRT is actively engaged to support a business approach to the implementation of the Affordable Care Act that provides employers with the flexibility they need to continue providing benefits to employees and their families.

During the health care reform debate, BRT advocated that employees who purchase insurance through an exchange be treated similarly to those who receive their health benefits through their employers. We believe that this should be the case during the implementation of the law.

Under the Medicare Secondary Payer provisions of the Social Security Act, those suffering from ESRD, who are covered by group health insurance, remain covered by their group health policy for 30 months with Medicare providing secondary coverage. After that 30 month period, Medicare becomes primary and group health coverage secondary. We encourage you to clarify that Medicare remains secondary for all those individuals with ESRD who purchase from a qualified health plan in an exchange.

Requiring uniform application of the MSP law to group health plans both inside and outside the exchanges allows individuals to keep the health plan of their choice. This preserves the 40 year public-private partnership to care

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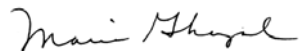
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for individuals with ESRD. This will also produce an estimated \$1.3 billion in Medicare savings over the next ten years. If this law is not maintained, the alternative would lead to an unlevel playing field between plans operating inside and outside the exchange and encourage adverse selection.

BRT has long advocated for more competition in the health care marketplace. Clarifying that current MSP protections for individuals with ESRD apply to qualified group plans offered in the exchanges is an important part of the effort to achieve this goal.

Thank you for your continued work in implementing the Affordable Care Act. We look forward to continuing to work with you and your colleagues on this and other issues.

Sincerely,

A handwritten signature in cursive script, appearing to read "Maria Ghazal".

Maria Ghazal
Director, Public Policy and Counsel
Business Roundtable