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JANICE MAYS,
MINORITY CHIEF COUNSEL

May 15, 2013

The Honorable Kathleen Sebelius
Secretary
Department of Health and Human Services
200 Independence Ave, SW
Washington, D.C. 20201

Dear Secretary Sebelius,

Last month, the Department of Health and Human Services released a proposed rule on health insurance exchange “navigators” pursuant to the President’s health care law. Navigators and non-navigator assisters will aid individuals in signing up for health insurance through federal and state-based exchanges, and will be funded in part through \$54 million in taxpayer-funded grants. As these individuals will have access to sensitive taxpayer information, I write to request that you provide answers to the following questions by no later than May 21, 2013.

1. To what information will navigators or non-navigator assisters have access? In your response, include whether navigators will have access to:
 - a. Social Security Numbers or Individual Taxpayer Identification Numbers;
 - b. Dates of birth; or
 - c. Income information.

2. The Department’s proposed rule clarifies that navigators or non-navigator assisters may not be health insurance issuers, associations of insurers, insurer lobbyists, or any individual paid by an insurer. Would anything in the proposed rule prohibit navigators or non-navigator assisters who are:
 - a. Paid by, or members of, a labor union;
 - b. Paid by a politically active tax-exempt organization;
 - c. Paid by a political party;
 - d. Convicted felons; or
 - e. Individuals who have been convicted of identity theft?

3. The proposed rule states that navigators and non-navigator assisters will be required to have training on privacy and security issues. Please provide copies of all navigator or non-navigator assister training material in the Department's possession, including draft training material.
4. Once a navigator or non-navigator assister is in possession of a completed paper enrollment form, what steps will HHS take to ensure that form is handled in a manner compliant with the Health Insurance Portability and Accountability Act?
5. How will the Department ensure there are privacy safe guards in place in the federal exchanges, and how does the Department plan to ensure similar safeguards in state-based exchanges?
6. To what extent has Department planning contemplated non-government sources of funding to support navigator organizations? If applicable, produce all documents relating to non-governmental sources of funding.

Should you have any questions, please contact the Committee staff at (202) 225-3625.

Sincerely,



CHARLES BOUSTANY JR, MD
Chairman
Subcommittee on Oversight



KEVIN BRADY
Chairman
Subcommittee on Health