



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT

Washington, DC 20415

The Director

NOV 8 2013

The Honorable Chris Smith
U.S. House of Representatives
2373 Rayburn House Office Building
Washington, DC 20515

Dear Representative Smith:

Thank you for your letter, dated October 16, 2013, requesting clarification on the availability of elective abortion coverage through the Multi-State Plan (MSP) Program. We share your goal of ensuring that Americans are able to make an informed choice about the plans offered in the Health Insurance Marketplace and hope the following information is helpful.

Section 1334(a)(6) of the Affordable Care Act aims to ensure that individuals shopping in the Health Insurance Marketplace have the choice of a plan that does not cover elective abortion services, as defined by the Hyde Amendment and referenced in section 1303(b)(1)(B)(i). We implemented our statutory requirement by instructing the issuers applying to offer MSP options this year that they must offer at least one MSP product (i.e., a package of benefits at the silver and gold level) that does not cover elective abortion services in every service area within a State where they are offering an MSP option.

Every MSP issuer complied with our instruction on this issue. Of the more than 150 MSP options currently available in 30 States and the District of Columbia on the Health Insurance Marketplace, only two MSP options offered in Alaska (Blue Cross Blue Shield Plus 5250 HSA High, a Multi-State Plan, and Blue Cross Blue Shield Plus 2500 HSA High, a Multi-State Plan) cover elective abortions. These two MSP options in Alaska that do cover these services meet other statutory and regulatory requirements, such as a plan to segregate funds for these services. The other 34 options that Premera Blue Cross and Blue Shield offers in Alaska, as well as every other MSP option offered throughout the country, exclude elective abortions from their benefits package.

Please note that OPM does not exercise control over the benefits information that is displayed to consumers shopping in the Marketplace. Rather, those decisions are left up to the States and the U.S. Department of Health and Human Services, depending on whether the Marketplace is State-based or Federally-facilitated. We have been working very closely with the States and MSP issuers to find a solution to make these options apparent to consumers.

If you have any further questions, please feel free to contact Tania A. Shand, Director, Congressional, Legislative, and Intergovernmental Affairs at (202) 606-1300.

Sincerely,

A handwritten signature in cursive script, appearing to read "Katherine Archuleta".

Katherine Archuleta
Director