



FEB 27 2014

Administrator
Washington, DC 20201

The Honorable Jeff Merkley
United States Senate
Washington, DC 20510

Dear Senator Merkley:

Thank you for your inquiry regarding the possibility of making available retroactive advance payments of the premium tax credit (APTC) and advance payments of the cost sharing reductions (CSR) for those people who had technical issues in their Marketplace.

Attached please find guidance that we are providing to Marketplaces that, due to technical issues in establishing automated eligibility and enrollment functionality, have had difficulty in providing timely eligibility determinations to applicants and enrolling qualified individuals in Qualified Health Plans (QHPs) through the Marketplace during the initial open enrollment period for the 2014 coverage year. In this guidance, we discuss the availability of APTC and advance payments of CSRs on a retroactive basis to an issuer once the Marketplace has provided a qualified individual with an appropriate eligibility determination, has determined that the individual is eligible for such assistance, and the individual has enrolled in a QHP through the Marketplace. We also clarify the attendant responsibilities of the QHP issuer in this circumstance.

Thank you for your ongoing interest in the implementation of the Affordable Care Act and for your leadership on this issue. If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink that reads "Marilyn Tavenner". The signature is fluid and cursive, with a large loop at the end.

Marilyn Tavenner