



THE SECRETARY OF HEALTH AND HUMAN SERVICES

WASHINGTON, D.C. 20201

November 15, 2012

The Honorable Bob McDonnell
The Honorable Bobby Jindal
Republican Governors Public Policy Committee
Republican Governors Association
1747 Pennsylvania Avenue NW, Suite 250
Washington, DC 20006

Dear Governor McDonnell and Governor Jindal:

Thank you for your recent letter regarding the implementation of the Affordable Care Act. Giving states the flexibility they need has been a critical principle in our work to implement the Affordable Care Act since it was signed into law more than two years ago. Our team has worked closely with Governors from across the country to answer their questions and gather their input.

States have and will continue to be partners in implementing the health care law and we are committed to providing states with the flexibility, resources, and time they need to deliver the benefits of the health care law to the American people. We will continue to work directly with individual states to address their particular questions and concerns.

You recently requested additional time to declare whether states will elect to run a State-based Exchange. Under the law, we are required to certify states' plans to run their own Exchange in 2014 by January 1, 2013. While receiving a letter of intent now will help us assist states in finalizing their application, a state may submit both a letter of intent and an application to operate its own Exchange by December 14. States may also apply to operate their Exchange in partnership with the federal government by February 15, 2013. And a state may apply at any time to run an Exchange in future years.

As we have worked to implement the Affordable Care Act, we have issued information and guidance to states regarding provisions of the health care law. Additional guidance will be released in the coming days and weeks and our team will do everything possible to answer questions and provide technical assistance to state leaders.

We are confident Governors will have enough time to decide whether they want to establish an Exchange, work in partnership with the federal government or have a federally- facilitated Exchange in their state. We look forward to working with Governors as we continue to implement the law.

Sincerely,


Kathleen Sebelius