



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
OFFICE OF FINANCIAL AND INSURANCE REGULATION
DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH
ANDREW S. LEVIN, ACTING DIRECTOR

KEN ROSS
COMMISSIONER

August 5, 2010

Secretary Kathleen Sebelius
U.S. Department of Health and Human Services
200 Independence Ave., S.W., Suite 615-F
Humphrey Building
Washington, D.C. 20201

Dear Secretary Sebelius,

This letter is in response to your July 12, 2010 letter to Governor Granholm and is intended to provide you with the State of Michigan's response regarding its ability to enforce the consumer protection provisions of the Affordable Care Act (ACA) that take effect on September 23, 2010.

Michigan, specifically the Office of Financial and Insurance Regulation (OFIR), does not have specific state authority to enforce each of the consumer protections now enacted under federal law. We are working with the Michigan Legislature to enact specific amendments to the Michigan Insurance Code to incorporate the specific ACA consumer protections. Once enacted, this legislation would provide OFIR with specific authority to enforce each of the ACA consumer protections that take effect on September 23, 2010.

In the interim, without state legislative authority as it relates to the specific provisions of the ACA, the State of Michigan does have legal authority to conduct policy reviews, the ability to investigate complaints regarding failure to comply with the ACA and to conduct examinations of insurers, and OFIR, as a fee-funded regulatory agency, does have financial resources at its disposal to encourage compliance.

The State of Michigan is committed to complying with this historic federal law, as it will provide Michigan residents with more stability and security in their health care, lower overall health care costs and give Michigan families and businesses more control over their own health care. We look forward to continuing our partnership with the federal government to ensure this law benefits Michigan residents to the fullest extent possible.

Sincerely,

Ken Ross
Commissioner