

**NAFSA: Association of  
International Educators**

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April 12, 2011

Centers for Medicare and Medicaid Services  
Department of Health and Human Services  
Attention: CMS-9981-P  
Baltimore, MD 21244-0810

Submitted electronically at <http://www.regulations.gov>

**Re: Student Health Insurance Coverage, CMS-9981-P**

*President and  
Chair of the Board of Directors*  
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University of Minnesota

*Vice President for Education  
and Professional Development*  
Mary H. Reeves, PhD  
Commission on English  
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*Secretary*  
Bonnie Bissonette  
Northcentral Technical College

*Executive Director and CEO*  
Marlene M. Johnson

I write to you today on behalf of NAFSA: Association of International Educators to offer comments concerning the proposed rule published at 76 Fed. Reg. 7767 (Feb. 11, 2011), in which the Department of Health and Human Services (the Department) defines “student health insurance coverage” as that term applies to the Patient Protection and Affordable Care Act of 2010 (Pub. L. 111-148) (the Act). With nearly 10,000 members, NAFSA is the world’s largest nonprofit professional association dedicated to international education. Our association is in a unique position to comment on aspects of this proposed rule that will impact the ability of U.S. higher education institutions to attract talented international students.

We believe that constructive U.S. global leadership is served by fostering an America that knows, understands, and is able to communicate with the world, and by strengthening the relationships through which the American people and the world's people can relate to, interact with, and understand each other. We believe that it is through international education that we can, as a country, grow our capacity to listen to, understand, and communicate with the rest of the world and be part of advancing a shared future of peace, security, and well-being. It is clear, though, that America can no longer assume that it is the preferred destination for people who seek higher education outside of their home countries. During the past ten years, as competition for them has intensified, international students have increasingly chosen to pursue higher education abroad in places other than the United States. As the competition for talented international students further intensifies, this trend is likely to continue. It is essential that we recognize this trend and ensure that our laws, regulations, and policies concerning international students do not disadvantage the nation’s institutions of higher education in attracting them.

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In light of our need to bolster rather than damage our competitive position, we have serious concerns that the proposed rule defines “student health insurance coverage” in a manner that may make student health insurance plans unaffordable for international students. This, in turn, may dissuade them from studying in the United States. For example, insurance experts predict that imposing dramatically higher than common coverage requirements for all categories of coverage and failing to recognize the value of services provided by college and university student health centers will result in drastically increased premiums. Therefore, we would encourage you to issue a final rule defining “student health insurance coverage” in a manner that will require more reasonable and standard coverage levels and not make student health insurance plans prohibitively expensive for international students.

We would also bring to your attention the fact that the U.S. Department of State’s Bureau of Educational and Cultural Affairs (ECA) is charged with regulating exchange visitors and its regulations contain health insurance coverage requirements for J-1 Exchange Visitor students. The U.S. Department of Homeland Security’s Student and Exchange Visitor Program (SEVP) has primary authority for regulating other international students (F-1 and M-1) in the United States. We would, therefore, strongly encourage the Department to collaborate with both ECA and SEVP in finalizing its definition of “student health insurance coverage” in a manner that does not conflict with other regulations and that does not negatively impact the F-1, J-1, and M-1 student programs and hamper the ability of U.S. higher education institutions to attract talented international students.

Sincerely,

Marlene M. Johnson  
Executive Director and CEO