



## OFFICE OF INSURANCE AND SAFETY FIRE COMMISSIONER

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April 12, 2010

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VIA FIRST CLASS CERTIFIED U.S. MAIL

The Honorable Kathleen Sebelius  
The Secretary of Health and Human Services  
The U.S. Department of Health and Human Services  
200 Independence Avenue, S.W.  
Washington, D.C. 20201

Dear Secretary Sebelius:

I am in receipt of your April 2, 2010 letter detailing the first step in the recently enacted federal takeover of the United States health care system.

The new federal health care legislation was hastily drafted behind closed doors and passed as a result of numerous back room deals in defiance of the will of a majority of the American people. The legislation represents nothing less than a government takeover of approximately 17 percent of the United States economy.

As you may know, Georgia's governor recently announced his intention to challenge the constitutionality of the health care legislation recently enacted into law by President Obama. In doing so, Governor Perdue joined 18 other states in questioning the constitutionality of the law. Additionally, our State Senate has recently passed legislation that is pending in the State House that prohibits any state agency from implementing any portion of the new law unless specifically authorized to do so by an act of the General Assembly.

Unlike the federal government, Georgia must balance its budget each year by living within its means and not passing along unconscionable debt to our children and grandchildren. President Obama's health care plan will ultimately result in Georgia spending at least an additional \$1 billion each year on Medicaid alone. This new mandate comes at a time when our state is furloughing teachers, laying off employees, and cutting public safety and education funding.

Ostensibly, the high risk pool program will be funded by federal grants made available to the states. While many may see this as "free money," the taxpayers of Georgia and the other 49 states will ultimately bear the financial burden for this Washington-imposed program. Unfortunately, I have no confidence in any federal assertion that this so-called temporary program will not burden the taxpayers of

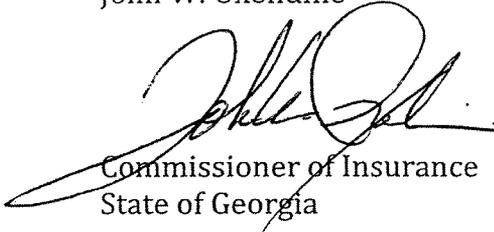
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Georgia. I am concerned that the high risk pool program will ultimately become the financial responsibility of Georgians in the form of an unfunded mandate.

It is my position as Commissioner of Insurance that I cannot commit the State of Georgia to implement a federal high risk pool program that is part of a broader insurance scheme which I believe the Supreme Court will hold to be unconstitutional, leads to the further expansion of the federal government, undermines the financial security of our nation, and potentially commits the state of Georgia to future financial obligations.

With kindest personal regards, I am

John W. Oxendine



Commissioner of Insurance  
State of Georgia

cc: Honorable Sonny Perdue, Governor