March 6, 2018

The Honorable Alexander Acosta Secretary U.S Department of Labor 200 Independence Avenue, NW Washington, DC20210

Ms. Jeanne Klinefelter Wilson Deputy Assistant Secretary for Policy Employee Benefits Security Administration U.S Department of Labor 200 Constitution Avenue, NW Washington, DC 20210

Re:

Dear Secretary Acosta and Deputy Assistant Secretary Wilson:

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proposed rule on Association Health Plans (AHPs). The 15 undersigned organizations urge the Department

the Department to make the best use of the collective insight and experience our patients and organizations offer in response to this proposed rule.

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increase in these outcomes if AHPs are made easily available to consumers without clear transparency about what they do, and do not cover.

Survey data, focus

insurance reveals serious deficiencies in comprehension of the common language and concepts of nce literacy

including: nearly nine out of ten adults had difficulty using health information to make informed decisions about their health⁶; 51 percent of respondents did not understand the basic health insurance terms premium, deductible and copay; and only 16 percent could calculate the cost of an out-of-network lab test.⁷ Consumers Union has cautioned that it is not enough to know the difference between premiums, deductibles, and copays, one must also understand how these costs must be sequenced to understand how health insurance must be viewed in the context of real world health care needs.⁸

We note that the ACA sought to address many of these concerns by implementing new and evolving measures to help inform and educate consumers about health insurance, including the online Marketplaces, the Summary of Benefits & Coverage, Glossary of Health Care Terms and Actuarial Value,

choice of health plan. These resources are helping consumers make more informed choices by presenting and explaining details about coverage, costs, and plan policies. Yet because most of these helpful tools would not be required resources of AHPs, prospective enrollees of AHPs would not benefit

Protect State Regulatory Authority

The proposed rule raises questions about preemption of state law and future regulatory authority. While the Department states that the proposed rule would not alter existing ERISA statutory provisions governing multiple employer welfare arrangements, we are concerned that the proposed rules will have

framework allowing AHPs to be treated as single multiple-employer plans creates confusion about enforcement authority. In the past, promoters of fraudulent health plans have used this type of regulatory ambiguity to avoid state oversight and enforcement activities that could have otherwise quickly shut down scam operations.¹⁷

States must maintain the ability to protect patients and manage their insurance markets.