



October 27, 2017

Office of Regulations and Interpretations
Employee Benefits Security Administration
Room N-5655
U.S. Department of Labor
200 Constitution Ave., NW
Washington DC 20210

Re: Claims Procedure for Plans Providing Disability
Benefits (RIN 1210-AB39)

Submitted Electronically: www.regulations.gov

Dear Sir/Madam:

UnitedHealthcare (UHC) is submitting comments in response to a Proposed Rule from the Employee Benefits Security Administration (EBSA) delaying the application date of new requirements with respect to claims for disability benefits under employee benefit plans subject to the Employee Retirement Income Security Act. The Proposed Rule was published in the *Federal Register* on October 12, 2017 (82 Fed. Reg. 47409). UHC provides coverage and administrative services on behalf of employee plans for short- and long-term disability income benefits. The goal of these programs is to provide income security for disabled workers and ensure they have the resources to return to work if possible after an injury.

UHC is dedicated to helping people live healthier lives and making our nation's health care system work better for everyone. UHC serves the health care needs of more than 100 million people worldwide, funding and arranging health care on behalf of individuals, employers and the government. As America's most diversified health and well-being company, we not only serve many of the country's most respected employers, but we are also the nation's largest Medicare health plan – serving nearly one in five seniors nationwide – and one of the largest Medicaid health plans, supporting underserved communities in 24 states and the District of Columbia. Recognized as America's most innovative company in our industry by Fortune magazine for six years in a row, we bring innovative health care solutions to scale to help create a modern health care system that is more accessible, affordable, and personalized for all Americans.

The Proposed Rule delays the application date of the disability claims standards for 90 days from January 1, 2018 to April 1, 2018. According to the Preamble to the Proposed Rule, this extension is intended to give stakeholders time to submit information on the potential costs and operational challenges arising from the new requirements and any impacts that might result in premium increases or decisions by employers to drop or scale back coverage. The EBSA is asking for this feedback by December 11, 2017.

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UHC has been working diligently to adopt the revised claim standards and we are confident the new rules will be operational for claims filed on or after January 1, 2018, as originally intended. That said, we appreciate the concerns raised by stakeholders regarding the cost and operational changes that are necessary to implement the new claims procedures. We also agree that the regulatory impact statement prepared by EBSA in connection with the new standards did not adequately assess the potential effects of the changes made to the disability claims rules.

UHC is concerned that 90 days is insufficient for EBSA to give full consideration to any data or other comments submitted in response to the request for information. In addition, the December 11 deadline for public comment may not provide enough time for stakeholders to respond. The Preamble lists 12 specific categories of information EBSA is requesting including data on the pricing of coverage, amount of paid benefits, costs for providing assistance to non-English speaking claimants, and the potential impact of the new requirements on the ability of employers to provide coverage. We think it is critical for EBSA to give the public additional time to comment and for the agency to respond with any modifications to the rules based on that input.

It should also be noted that group plans and plan administrators must be provided a sufficient timeframe to implement any additional changes to the rules that may be adopted by the EBSA. The new requirements were published in the *Federal Register* on December 19, 2016 and group plans were given until January 1, 2018 to come into compliance. A similar timeline should be considered should the EBSA decide to modify the rules.

UHC recommends that EBSA extend the timeframe for public comment past the December 11, 2017 deadline. In addition, the application date of the rule should be delayed to give EBSA enough time to fully consider any public input and decide whether any of the new requirements should be modified.

We appreciate the opportunity to provide comments and look forward to working with the EBSA on these issues.

Sincerely,



Gavin G. Galimi
Deputy General Counsel
UnitedHealthcare