

2/27/2018

Mr. Alexander Acosta  
Secretary of Labor  
U.S. Department of Labor  
900 Constitution Avenue NW  
Washington, D.C. 20210

Re: "Definition of Employer under Section 3(5) of ERISA-Association Health Plans"; RIN 1210-AB85 or Docket ID No. 2017-28103 (submitted electronically)

Dear Secretary Acosta:

As a member of the National Association of REALTORS<sup>®</sup>, I support the proposed regulation to enable self-employed individuals to participate in Association Health Plans (AHPs). The Department of Labor's effort is a promising step to providing more affordable insurance options as health care costs continue to rise while choices for coverage are steadily shrinking.

While most Americans get their health coverage through an employer, real estate agents are independent contractors, not employees of their local real estate brokerage. As a result, self-employed professionals are forced to purchase insurance in the more volatile individual insurance market, which tends to offer fewer choices at much higher costs.

The rule proposes to provide more affordable choices for independent contractors by modifying the definition of "employer" to include "working owners." This is essential to enabling real estate professionals and their families to participate in an AHP in the large group market. The large group market typically offers more flexibility in insurance plan design and improved negotiating power to bargain for lower premiums – benefits that are key to driving down health care costs. The proposed rule would also protect consumers enrolling in these plans by prohibiting discrimination based on health status.

However, I would encourage the Department to reconsider the provision preventing working owners from participating in an AHP if they are eligible to participate in an employer health plan. Coverage available through a spouse's employer may not be the most affordable option for a family. Eliminating this requirement will provide more insurance choices for many real estate professionals and their families.

The need for affordable health insurance options remains a top concern among practicing real estate professionals. Allowing working owners to participate in AHPs while removing unnecessary limits could expand access to more affordable health care options for many more families.

This is a very complicated subject matter, but relief from ACA (doubling premiums and unaffordable co-payments) is necessary. In a perfect world, self-employed, independent contractors and small businesses would be able to join AHPs based on those classifications vs similar business groups. I see the benefits of forming AHPs based on geographical locations (perhaps combining a few neighboring states). A choice of coverage options that are high quality but not necessarily ACA compliant would be good. I would also rather the option of paying for my doctors' visits out of pocket in exchange for lower premiums, and a good catastrophic plan with lower deductibles. Health insurance should be available for all, it should be affordable, it should prevent ruining someone financially if they get a

serious illness, and it should prevent insurance companies from dropping you if you do get sick. The cost of healthcare must also be addressed, and public must take responsibility for some out of pocket costs.

I urge you to finalize the proposed rule with these comments in mind. Thank you for the opportunity to weigh in on this important issue.

Sincerely,

*Susan Troy-Brace*