



January 19, 2016

Submitted via <http://www.regulations.gov>

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

Attention: Claims Procedure Regulation Amendment for Plans Providing Disability Benefits
(RIN [1210-AB39](#))

Dear Sir or Madam:

UnitedHealthcare appreciates the opportunity to provide the Employee Benefits Security Administration and the Department of Labor (collectively, the Agencies), with our comments in response to the Notice of Proposed Rulemaking on Claims Procedures for Plans Providing Disability Benefits.

UnitedHealthcare, a division of UnitedHealth Group, is dedicated to helping people live healthier lives. As a recognized leader in the health and well-being industry, we strive to improve the quality and effectiveness of health care for all Americans, enhance access to health benefits, create products and services that make health care more affordable, and use technology to make the health care system easier to navigate. UnitedHealthcare serves many of the country's most respected employers, and 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.

Below please find our specific recommendations.

Issue: Whether, and to what extent, modifications to the existing timing rules are needed to ensure that disability benefit claimants and plans will have ample time to engage in the back-and-forth dialogue that is contemplated by the new review and response rights.

Recommendation: We support using existing timeframes under ERISA which should provide "ample" time for plans and claimants to engage in the necessary dialogue. If another standard is used, we encourage the Agencies to ensure that it is specific, unambiguous and consistent.

Issue: The proposed rule provides that the effective date for the rules shall be 60 days after the date of publication of the Federal Register. If the final rule requires inclusion of the plan's statute of limitations in adverse benefit determinations (ABDs), this date does not provide sufficient time to complete this significant undertaking and any necessary associated administrative functions. To accommodate the new requirement, plan administrators would need to undertake a thorough review of each plan's documents to determine the appropriate statute of

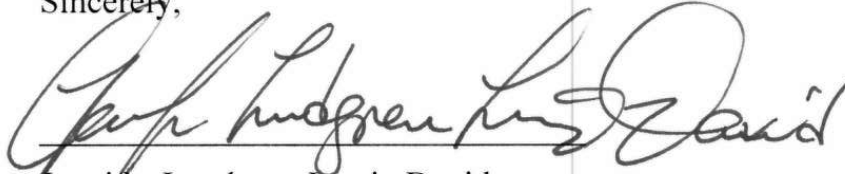
limitations and, where the plan is silent, attempt to determine the appropriate limitation for analogous cases under state law, or undertake numerous consultations with plan sponsors to ascertain plan intent. Furthermore, the proposed rule is unclear regarding whether the obligation to include a limitations period would be required where a plan is silent on the issue. Finally, significant undertaking would be required to appropriately and accurately connect the various, disparate adjudication systems to administer claims, appeals and member communications based on the varied timelines and triggering events.

Recommendation: We urge the Agencies to consider the complex logistical and operational challenges involved in bringing claim systems, letter systems and business processes into compliance with the proposed requirements specifically to include notice of the plan's statute of limitations in the ABDs, given that a significant volume of plans contain limitations periods of varying lengths triggered by different events.

In the alternative, we propose inclusion of a general statement directing the claimant to the statutory period in the summary plan description or plan documents, or to the analogous period in state law, whichever is applicable. At a minimum, there should be a reasonable enforcement safe harbor period for health plans and issuers to make a good-faith effort to bring their systems and processes into compliance with the new requirements.

Thank you for taking time to review our comments. We appreciate your consideration and welcome the opportunity to discuss further.

Sincerely,

A handwritten signature in cursive script, reading "Jennifer Lundgren Lewis-David". The signature is written in black ink and is positioned above a horizontal line.

Jennifer Lundgren Lewis-David

Deputy General Counsel

January 19, 2016