

# PUBLIC SUBMISSION

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Interim Final Rules for Group Health Plans and Health Insurance Issuers Relating to Internal Claims and Appeals and External Review Processes Under the Patient Protection and Affordable Care Act

**Comment On:** EBSA-2010-0019-0002

Group Health Plans and Health Insurance Issuers: Internal Claims and Appeals and External Review Processes

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## General Comment

On behalf of Health & Disability Advocates, I wish to comment on the 10% threshold for translation and oral interpretation of private plan materials in the internal review and appeals contexts. I am a policy analyst and advocate who works with low income older adults, children and people with disabilities. The 10% standard is far too high. A more appropriate standard would be "5% of the plan's population or 500 persons in plan's service area" for large group plans, and 25% of population for small plans. Oral interpretation should be provided in all languages at all times.

When people get materials and instructions in a language they are not comfortable speaking and/or reading they make decisions that cost them money or coverage. This could mean they don't enroll because they are not sure what to do and later they incur a penalty or fine for failing to enroll. It also might mean that they don't understand what they are entitled to once they do enroll – so they might choose the wrong plan for them and be left with unpaid bills or overpaying for insurance. For our non English speakers who do not have friends or relatives who speak English and who cannot find someone who speaks their language, they not only have problems accessing the materials but also in accessing assistance from advocates.

By the time health care reform is largely in effect, analysts predict there will be an increase of an estimated 44 million newly insured Americans, more than half of them immigrants whose primary language is not English. Health & Disability Advocates has studied uninsured populations in Illinois and found that underserved populations (low-income, Hispanic/African American, unemployed, immigrants and limited English proficient) are disproportionately uninsured. As a result, the Affordable Care Act has the potential to impact these residents the greatest. It is essential that all health plan material is readable and understandable to them.