

**From:** [Laura Follenweider](#)  
**To:** [E-OHPSCA2715.EBSA](#)  
**Subject:** Summary of Benefits Comments  
**Date:** Thursday, October 13, 2011 12:34:54 PM

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Dear Department of Labor,  
PPACA requirements are putting a significant strain on the benefits industry and employers and the current March 23, 2012 deadline is fast approaching. With several key issues unresolved, we are requesting a delay in the effective date of the Summary of Benefits requirement for at least a year, and then have it applicable only at the renewal time of the group for the following reasons:

1. It appears that the proposed Summary of Benefits template was created from the fully-insured point of view, but the vast majority of US health plans are self-funded. The error is understandable since NAIC works with state insurance departments in their management of the fully-insured health marketplace, so its approach envisions fully-insured plans. Under ERISA's preemption provisions, state insurance departments generally do not have authority over self-funded welfare benefit plans.
2. The terminology used in self-funded programs does not usually coincide with that used by insurance carriers in their fully-insured policies of insurance and will not match what employees are accustomed to, causing more confusion.
3. The template is not user friendly for the self-funded plan sponsor nor for the third party administrators that will be managing the process for their employer clients. Using the template in the suggested version from the NAIC, with persons who will be covered by a self-funded program, could lead them to believe that the program they are looking at is a fully-insured program, which it would not be. Providing a self-funded version of the Summary of Benefits will help dissuade them of such a belief.
4. Finally, a lot of employee time will be required to create these Summaries. In the self-funded world each plan has customized features. They are not the standard plans used by many insurance carriers. Each summary will have to be individually crafted at a significant expense to the self-funded employer. If an employer has an indemnity plan, PPO plan, and a High Deductible HSA compatible plan, with 4 tiers of coverage each (single, single and spouse, single and children, and family) the number of separate Summaries multiplies quickly. We have a Client who has six different Plans with 4 tiers each that will require at least 24 Summaries to be created.

We thank you for your consideration and understanding to give us the time and opportunity to improve compliance with the changes that fit self-funded benefit plans and we look forward to a positive response to our suggestions.

I work for a Third Party Administrator that administers Self Funded Group Health Plans for about 275 Employers.

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Compliance Manager

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