

From: [Tracey Poindexter](#)
To: [E-OHPSCA2715.EBSA](#)
Subject: Summary Of Benefits Disclosure Requirements - Comments for consideration
Date: Tuesday, October 18, 2011 11:19:30 AM

Dear Department of Labor:

We are writing to you on behalf of approximately 21,450 employee covered lives and 153 self-funded plans asking that you delay the compliance date for producing the Summary of Benefits for at least one year and that the summaries become effective as a plan renews as there are several concerns and issues we have about the summary of benefits format that are unresolved and the March 23, 2012 deadline is quickly approaching.

The Summary developed by the NAIC was developed from the fully-insured policy point of view and does not take into account the vast flexibility and options available in self-funded plans. For example, an employer offering a self-funded PPO plan, Indemnity Plan, and a High Deductible Health Savings Account Plan with 4 Tiers of Coverage (single, single and spouse, single plus child and family coverage) would need to create quite a few Summaries for their participants. Not to mention the fact that there may be mid-year plan changes.

The terminology between self-funded plans and fully-insured plans can vary and do not always coincide.

Also, in using this format we are concerned that a member reviewing the summary may be misled that their self-funded plan is a fully-insured policy. Providing a self-funded version of the Summary will help dissuade them of such a belief. Keeping this clarification has been a priority of NAIC for years, so proceeding with the template would be a step backward.

Thank you for your consideration 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.

Sincerely,

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