

# PUBLIC SUBMISSION

<b>As of:</b> October 20, 2011
<b>Received:</b> October 19, 2011
<b>Status:</b> Draft
<b>Category:</b> Association - AS001
<b>Tracking No.</b> 80f56293
<b>Comments Due:</b> October 21, 2011
<b>Submission Type:</b> Web

**Docket:** CMS-2011-0140

Uniform Disclosure to Consumers: Benefit Design, Cost Sharing, & Standards for Definitions

**Comment On:** CMS-2011-0140-0002

Summary of Benefits and Coverage and Uniform Glossary

**Document:** CMS-2011-0140-DRAFT-0026

DC

---

## Submitter Information

**Name:** Maria Ghazal

**Address:**

Washington, DC, 20036

**Organization:** Business Roundtable

---

## General Comment

See attached file(s)

Attached please find comments from the Business Roundtable specifically on the effective date for the USB rule. We will be submitting additional comments prior to the deadline. Thank you.

---

## Attachments

2011 10 19 Ghazal HHS Effective Date of CMS-9982-P



1717 Rhode Island Avenue, NW  
Suite 800  
Washington, DC 20036

Telephone 202.872.1260  
Facsimile 202.466.3509  
Website brt.org

October 19, 2011

**Submitted Electronically**

Attention:  
Department of Health and Human Services  
200 Independence Ave, SW  
Washington, DC 20201

W. James McNerney, Jr.  
The Boeing Company  
Chairman

David M. Cote  
Honeywell International, Inc.  
Vice Chairman

Andrew N. Liveris  
The Dow Chemical Company  
Vice Chairman

Robert A. McDonald  
The Procter & Gamble  
Company  
Vice Chairman

John Engler  
President

Larry D. Burton  
Executive Director

Johanna I. Schneider  
Executive Director,  
External Relations

LeAnne Redick Wilson  
Executive Director,  
Membership

**Re: Effective Date of CMS-9982-P; Summary of Benefits and Coverage and the Uniform Glossary, Notice of Proposed Rulemaking**

Dear Sir or Madam,

The Business Roundtable (BRT) is an association of chief executive officers of leading U.S. companies. Together, our members' companies employ more than 12 million individuals and provide health care coverage to over 35 million American workers, retirees and their families. BRT is invested in addressing health care costs that hamper essential economic growth. **We are asking that you immediately delay implementation of the Uniform Glossary, Notice of Proposed Rulemaking. This delay is critical and should be done immediately as employer-sponsored plans are beginning to evaluate their compliance with this draft rule and expending precious resources for such compliance. The rule is not yet final, and we strongly encourage you to delay the rule until all comments are reviewed and evaluated.**

We write today to express our concern with the effective date of the Summary of Benefits and Coverage and the Uniform Glossary Notice of Proposed Rulemaking (NPRM), for which the Agencies propose March 23, 2012. We believe this date is unrealistic for companies to comply with, as the NPRM sets forth a number of complicated requirements that must be newly implemented. We also note that March 23, 2012 is the effective date set forth under Section 1001 the Affordable Care Act (ACA) for compliance with these requirements but is not reflective of the Agencies' understandable delay in promulgating this NPRM.

Section 1001 of the ACA enacted Section 2715 of the Public Health Service Act (PHS Act), which required the Secretary to put forth this NPRM no later than March 23, 2011. The NPRM was not released until August 22, 2011 — nearly five full months after the statutorily required date.

This delay is understandable, given the complicated nature of the proposed requirements, but we respectfully request that it be reflected in the final effective date.

Furthermore, for logistical purposes, we respectfully request that the final effective date be determined based on plan year, in lieu of calendar year. Permitting employers and plans to develop and provide the required documents in conjunction with the start of a new plan year ensures that the most current information is provided to renewing and potential enrollees. This timing would also create greater efficiencies and ensure fewer redundancies in the information plans and sponsors are required to provide.

We also believe that delaying implementation of these requirements will allow the Administration to properly consider the implications of the proposed requirements in their current form, before imposing significant expenses on plans and sponsors to come into compliance. Under the NPRM, businesses would be required to provide the Summary of Benefits and Coverage exclusively in paper format. This requirement does not reflect the current state of business practices in an almost exclusively technological world. Before companies expend substantial resources — including time, staff, and funds — on reverting back to an outdated mode of communication, we request that the Agencies delay the effective date, consider incorporating electronic options and permit companies to undertake the costs of implementation only when the requirements have been finalized.

For these reasons, we respectfully request that you immediately delay the proposed implementation date. We also request that you provide immediate notice of any delay in the effective date of the requirements set forth in the NPRM. Immediate notification of such delay through subregulatory guidance would be imperative, as we fear many companies have begun investing resources in attempting to comply with the requirements of the NPRM.

We greatly appreciate your consideration of this request in light of these significant concerns. We look forward to working with you on this matter.

Sincerely,



Maria Ghazal  
Director, Public Policy and Counsel  
Business Roundtable