



By Electronic Mail

October 19, 2011

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Office of Health Plan Standards and Compliance Assistance  
Employee Benefits Security Administration, Room N-5653  
U.S. Department of Labor  
200 Constitution Avenue NW.,  
Washington, DC 20210

Attention: RIN 1210-AB52

Subject: Summary of Benefits and Coverage and Uniform Glossary--Templates, Instructions, and Related Materials under the Public Health Service Act

ACTION: Solicitation of comments

To Whom it May Concern:

We are pleased to provide you with information to consider as you finalize the NAIC Consumer Information (B) Subgroup's draft of the Glossary of Health Insurance and Medical Terms, Summary of Cost and Coverage/What this Plan Covers & What it Costs and Instruction Guide for Individual and Family Policies. We strongly believe this effort can accomplish its intended purpose and will significantly help consumers with their healthcare decisions.

With that effort being applauded, we feel the success or failure of this effort will greatly hinge on the distribution of this information.

Who We are and Why We are Qualified to Comment on this Issue

Web Benefits Design Corporation creates employee benefit websites on behalf of employers that provide benefits to their employees. We currently educate and communicate benefit details to hundreds of thousands of employees in all 50 states. We currently disseminate information on over 6,000 employee plans provided by roughly 500 Insurance companies.

Our websites communicate all details of each benefit provided and provide guidance to employees on how to use benefits, enroll in benefits, submit claims, and understand all aspects of all employer provided benefits.

To assist our clients, we have been creating similar Uniform Benefit Summary tables from detailed Group Summary Plan Descriptions for over 10 years. We have also created a comprehensive "glossary of medical terms" and have a database of "frequently asked questions" covering all benefit plans offered in today's insurance market.

Because we have significant expertise in the distribution of this information, our comments lie in the distribution of this information as opposed to the layout and format of the information. We believe the format that you have created will accomplish its desired purpose.

Our comments are applicable to the distribution of employer provided plans only.

Distribution Issues to Consider

1. One major purpose of this effort is to allow employees to easily compare plans **TO BE** selected and therefore all UBS forms must be presented to employees **BEFORE** the employee selects their medical benefit plan. (Employers typically provide multiple plans) Presenting this information to prospects is more difficult than presenting this information to customers after their benefit plan selection has been made.
2. The cost to create and distribute this information will be significant (and ultimately will be added to premiums).
3. The lowest cost to distribute this information will be to distribute the UBS documents electronically.
4. The distribution method should require an electronic space based on employer offerings. If employees do not have internet access, the employer HR department can be utilized to print UBS forms for those employees and will eliminate the cost of global paper distribution, printing costs, production costs, and postage costs.
5. Paper distribution should only be required in a small number of specifically requested cases.
6. There should be a centralized database of completed electronic UBS documents for all insurance providers and Exchanges for the following reasons:
7. The current non – centralized distribution model makes enforcement impossible.
8. Our experience shows that employees will not access multiple electronic links for comparisons but must be presented with the ability to compare plans in one electronic space or website.
9. The current distribution model for paper compliance is cost prohibitive.
10. Not having a centralized database of all USB forms by carrier and by plan will create a difficult environment for assisting participants electronically.
11. Updating a single form should update the form for all.
12. Although this Summary of Coverage effort is aimed at medical coverage, this concept should also be applied to dental, vision, Rx, 401(k), EAP, FSA, HSA, STD, LTD, Optional Life Insurance plans, and every other employer sponsored benefit offering. Although these non-medical benefit descriptions are not currently being reviewed for uniform consumer communication, we feel that this is inevitable and in the consumer’s best interest. Therefore, the distribution method should also prepare to provide the same concept for other employer provided benefits.

13. Currently, employers use an average of 5 vendors to provide their benefit offerings. Asking employees to link directly to vendors (who do not coordinate website data by employer) is typically met with resistance as no employee can navigate 5 websites to find their offerings. Our business has been successful because we display multiple vendor offerings in a single electronic space for employee convenience. From a single website, we connect employees to their respective providers or simply summarize, and re-post the necessary forms for employee convenience.

We have commented on your delivery requirements below:

#### Delivery Requirements

Requirements to provide/deliver the form: As set forth below, this form must be provided to the employer or eligible employees at the time of issuance of the policy or at renewal, as applicable.

*Comment: These forms should be required prior to plan selection for assistance in making the proper plan selection.*

While it is the insurer's, or a representative of the insurer's, responsibility to accurately fill out and deliver the form, these instructions acknowledge that eligible employees receive information about their health insurance primarily through their employer. The following are the permitted methods of delivery:

a. When an insurer, or a representative of an insurer, meets in person with the eligible employee, the insurer or a representative of the insurer may hand-deliver the completed form to the eligible employee. Alternatively, the insurer, or representative of the insurer, may offer the eligible employee the following options, and shall provide the form to be delivered in the manner selected by the eligible employee:

*Comment: Employer sponsored medical plans rarely allow face to face meetings with employees – insurer's hand delivery method would not be well received by employers as this removes employees from their day to day responsibilities – rather, employers should distribute paper forms to employees without internet access or simply direct employees to an employer sponsored website that combines all benefit offerings and detailed information in one place. A centralized dedicated website displaying all employer specific benefit related documents is deemed to be a more acceptable form of delivery of information as long as all eligible employees are given notification and access to this electronic space.*

- 1) A printed copy deposited in the United States mail, postage pre-paid, within seven (7) days of the request; *Comment: this method has no ability to track compliance and is very expensive (the expense is not in the postage, or actual mailing, but in the collection of employee addresses, and administration of form distribution). This method should be acceptable as a last resort.*
- 2) An electronic copy delivered to an e-mail address provided by the eligible employee; *Comment: no ability to track compliance. This form of delivery should be allowed on a specific request basis.*
- 3) An electronic copy delivered via a link on the Internet; *Comment: multiple carriers would require employees to access multiple links for all plans – these links should have to be grouped in one place so employees can access all plan options from one log in.*
- 4) A copy delivered by any other means acceptable to both the insurer and the eligible employee. *Comment: This should be allowed but has no ability to track compliance.*

b. For an eligible employee who conducts their enrollment electronically, the insurer, or a representative of the insurer, must make the form available on the electronic site and the insurer must require the eligible employee to acknowledge receipt of the form as a necessary step to completing the enrollment application. *Comment: acknowledging receipt of this form will produce an extra step in the enrollment process – most online enrollment software will be able to accommodate the distribution of this information but not the receipt - the receipt is implied if the employee has made their benefit option selection – also, there is no receipt confirmation required for any other delivery method. Employers providing online enrollment solutions would display the appropriate UBS documents and we feel receipt confirmation would not be necessary.*

c. For an enrollment application that is completed over the phone or through the mail, the insurer, or a representative of the insurer, shall offer a printed copy of the completed form within seven (7) days to the address provided by the eligible employee. Alternatively, the insurer, or representative of the insurer, may offer the eligible employee the following options, and shall provide the form to be delivered in the manner selected by the eligible employee:

- 1) An electronic copy delivered to an e-mail address provided by the eligible employee;
- 2) An electronic copy delivered via a link on the Internet;
- 3) A copy delivered by any other means acceptable to both the insurer and the eligible employee.

*Comment: This is acceptable for applications taken over the phone or through the mail. Employers rarely use either method.*

d. When an insurer issues a policy or delivers a certificate the form shall be included with the policy or certificate and provided in the manner selected by the policy holder or certificate holder. *Comment: We suggest that employers who make UBS documents available to employees electronically should not be required to issue paper policies.*

e. When the policy or certificate is renewed, the insurer shall provide the form in the same manner in which the policy or certificate were provided along with the renewal documents. *Comment: We agree.*

- 5) An oral description of the form is not sufficient. An insurer, or a representative of the insurer, may not provide the form solely by orally explaining the form and its contents either in person or over the telephone. *Comment: We agree.*

Unless otherwise required by law, this form is a freestanding document and may not be incorporated into any other document that an insurer, or an insurer's representative, provides to an applicant, policy holder or certificate holder. *Comment: We agree.*

#### Summary

We suggest that an employer that provides a dedicated employee benefit website be deemed to be compliant as long as they post UBS documents that meet your final criteria. For employees without internet access, the employer can print forms on demand at each employer location for minimal distribution of paper forms and significant reduction of postage costs.

For employer based plans, we also suggest that you sole-source the collection and housing of the full library of UBS documents for all carriers with a single independent source for distribution and compliance. Having a single source for these documents will assist with the global delivery, global corrections as needed, and will guarantee compliance and create an environment simple compliance audits. We currently have a similar database of

Summary Plan Descriptions for almost all insurance carriers. By updating a single form in our library, all employees that utilize that form are updated instantly.

We are happy to be a resource for discussing the most effective distribution method that also lowers costs for employers and insurance providers and also minimizes printing, production, and postage costs for all.

Thank you for your efforts and for this chance to submit comments and questions.

I can be reached on [rons@wbdcorp.com](mailto:rons@wbdcorp.com) or directly on (407) 506-3282 if I can be of further service.

Sincerely,

Ron Schenk  
CEO  
Web Benefits Design Corporation

A handwritten signature in blue ink, appearing to read "Ron Schenk", is displayed on a light blue rectangular background.