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Virginia Department of Health



On the web: vhi.org

E-mail: info@vhi.org

Fax: 1-804-643-5375

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Comments on Department of Labor Notice of Proposed Rulemaking

Docket # EBSA-2016-0010; RIN 1210-AB63

Submitted by Virginia Health Information

On July 21, 2016, the Department of Labor (DOL) and coordinating agencies published a Notice of Proposed Rulemaking^[1] and a Notice of Proposed Revision of Annual Information Return/Reports^[2] proposing changes to the Form 5500 annual report for employee benefit plans. We are responding to DOL's request for public comments on "those conforming amendments and the proposed annual reporting requirements for plans that provide group health benefits, including the new Schedule J, in light of the Supreme Court's recent decision in *Gobeille v. Liberty Mutual Insurance Co.*, 136 S. Ct. 936 (2016)."^[3]

The National Academy for State Health Policy (NASHP) and the All-Payer Claims Database Council (a collaboration between the National Association of Health Data Organizations (NAHDO) and the Institute for Health Policy at the University of New Hampshire), have submitted detailed comments reflecting a proposed approach to support DOL's needs for data and information articulated in the Proposed Rule by leveraging state infrastructure and investment in the collection of claims data in state APCDs. As members of NAHDO, the APCD Council and as the organization operating Virginia's All Payer Claims Database we are writing today express our support for the approach described in the NASHP/APCD Council comments. We believe that collaboration with DOL in the partnership expressed in those comments would be beneficial to DOL and the states, and address the needs identified by DOL for oversight to the quality and cost of health care provided by ERISA plans, which are among the stated objectives of DOL's creation of Schedule J.

We respectfully request that DOL review the approach brought forward in the NASHP/APCD Council comments and consider the state partnership in the development of the final rules for the Form 5500 and Schedule J.

^[1] 81 Fed. Reg. 47496 (July 21, 2016).

^[2] 81 Fed. Reg. 47534 (July 21, 2016).

^[3] 81 Fed. Reg. 47534, 47559 (July 21, 2016).