

**Comments on Department of Labor Notice of Proposed Rulemaking
Docket # EBSA-2016-0010; RIN 1210-AB63
Submitted by the Center for Improving Value in Health Care**

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. The Colorado-based Center for Improving Value in Health Care (CIVHC) is 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]

CIVHC serves as Administrator of the Colorado All Payer Claims Database (APCD) through appointment by the Executive Director of the Colorado Department of Health Care Policy and Financing (HCPF). Recommended by the Blue Ribbon Commission for Health Care Reform and enabled by House Bill 10-1330, the CO APCD is the state's most comprehensive source of health care claims information and provides insights into health care costs, utilization, quality, and the overall health status of Coloradans. As a non-partisan, not-for-profit organization representing the perspectives of varied health care stakeholders, CIVHC strives to support and coordinate initiatives to advance the Triple Aim of better health, better quality and lower costs for Colorado. CIVHC provides data and analytics to inform opportunities for both Colorado-specific and national initiatives, and also works with various stakeholders to aid in effecting meaningful and lasting health system change. CIVHC currently receives claims for Colorado Medicaid, Medicare Advantage, Medicare Fee for Service, fully insured commercial health plans and non-ERISA self-insured plans. Access to claims data from ERISA self-insured plans is extremely important to support our work in fulfilling our mission and providing a complete understanding of health care utilization, spending, quality and value in Colorado.

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 existing state infrastructure and investment in the collection of claims data through state APCDs. CIVHC is writing today to express our support for the proposed approach described in the NASHP/APCD Council comments. CIVHC believes that collaboration through the partnership described in those comments would be beneficial to DOL and the states, and addresses the needs identified by DOL for oversight of the quality and cost of health care provided by ERISA plans, which are among the stated objectives of DOL's creation of Schedule J.

CIVHC respectfully requests 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.

Sincerely,



Ana English
President and CEO

^[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).