



Department of Health

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November 8, 2016

Subject: United States Department of Labor Notice of Proposed Revision of Annual Information Return/Reports

To Whom It May Concern:

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. I am 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 need for data and information articulated in the Proposed Rule by leveraging state infrastructure and investment in the collection of claims data in state APCDs.

This approach is especially key to New York State where the Department of Health (NYSDOH) is currently in late stage process of implementing an All Payer Database (APD). New York has recognized the critical need for an APD to provide a truly complete and accurate picture of the state's health care delivery system. The APD is being developed and administered through the NYSDOH's Office of Quality and Patient Safety, and will support a broad spectrum of health care finance policy decisions, as well as population health and health care system comparisons and improvements. In order for the NYS APD to provide an accurate depiction of the state's multi-billion dollar healthcare landscape and measure critical impacts of system level reform efforts, access to self-insured claims data is pivotal.

In summary, please consider New York as greatly in support of the comments formally submitted by the NASHP and the APCD Council. I believe that collaboration with DOL in the desired partnership would be beneficial to all parties 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.

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

Sincerely,



Patrick J. Roohan
Director
Office of Quality and Patient Safety

^[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).