



State of Utah

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**Comments on Department of Labor Notice of Proposed Rulemaking
Docket # EBSA-2016-0010; RIN 1210-AB63
Submitted by the Utah Department of Health**

This letter is in response to a Notice of Proposed Rulemaking and a Notice of Proposed Revision of Annual Information Return/Reports published by the Department of Labor (DOL) and coordinating agencies on July 21, 2016. Specifically, 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)."

We understand that the National Academy for State Health Policy (NASHP) and the APCD Council (a collaboration between the National Association of Health Data Organizations and the University of New Hampshire), have already submitted detailed comments reflecting a proposed approach to support DOL's needs for data and information articulated in the Proposed Rule.

Their approach leverages existing state infrastructure and investment to collect needed data and information into state APCDs and make that information available to the federal partners. We believe that the partnership approach expressed in those comments would be beneficial to DOL and the states and will provide a simple, quick and effective solution to the disruption caused by the *Gobeille* opinion.

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.

Regards,

Joseph K. Miner, M.D.