



State Of Connecticut

SENATE
STATE CAPITOL
HARTFORD, CONNECTICUT 06106-1591

Comments on Department of Labor Notice of Proposed Rulemaking Docket # EBSA-2016-0010; RIN 1210-AB63

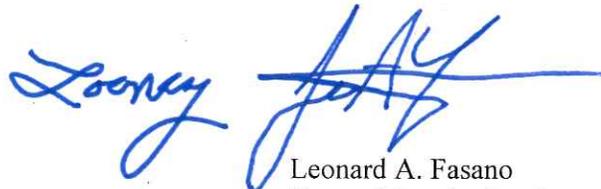
We are Senator Martin Looney, President Pro Tempore of the Connecticut State Senate and Leonard Fasano, Minority Leader of the Connecticut State Senate. We, the bipartisan leadership of the state senate, have been working together on healthcare reform for some time. Recently, (passed in 2015) we co-authored legislation that, among other things, requires a healthcare transparency website that is being created by our Health Insurance Exchange, Access Health CT. In addition, Access Health CT is in the process of setting up Connecticut's All Payer Claims Database (APCD).

Transparency in healthcare pricing is critical for bending the cost curve and improving access to quality healthcare services in Connecticut and across the nation. Unfortunately, the *Gobeille v. Liberty Mutual Insurance Co.* decision denied states and their APCDs the ability to require data submission from self-funded group health plans. In Connecticut more than half of workers with employer-based health insurance are in self-funded plans and that number is growing. This decision severely limits the APCDs' ability to deliver *all* payer data on health care cost and quality.

However, as you know, Justice Breyer in his concurring opinion, suggested that the Federal Department of Labor (DOL) could create a federal requirement to fix the loss of data to state APCDs. On July 21 the DOL issued a Notice of Proposed Rulemaking requesting public comments on its proposed reporting requirements for group health plans and sought specific comments in light of the *Gobeille* decision.

The National Academy of State Health Policy (NASHP) in collaboration with the APCD Council, the National Association of Health Data Organizations (NAHDO), and the Institute for Health Policy at the University of New Hampshire convened a workgroup shortly after the *Gobeille* decision to examine strategies to secure self-funded data while complying with the Court's decision. This group submitted comments that include a sensible way forward. Their plan suggests, among other things, that the Department of Labor create a common data layout for all APCDs which would alleviate the concerns that reporting to multiple different states with different reporting requirements would create an undue burden on the plans. The plan also recommends starting with a pilot program to collect health care claims data in cooperation with State APCDs. We respectfully request that DOL review and consider 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,

Martin M. Looney
Senate President Pro Tempore

Leonard A. Fasano
Senate Minority Leader