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Definition of Employer Under Section 3(5) of ERISA-Association Health Plans

Comment On: EBSA-2018-0001-0001

Definition of Employer Under Section 3(5) of ERISA-Association Health Plans

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General Comment

We thank the Department of Labor for posting this proposed rule and for taking comments pursuant thereto.

We are a group that represents associations and have 32 years of experience with establishing and operating a MEWA under ERISA. Under a 501[c][3] non-profit corporation, we have successfully established a fully-insured group health insurance program for association members. As such, the group is comprised of employers and the group health benefits are for the employer's employees.

What we seek from the Department of Labor is the flexibility to be able to have an association of individuals, independent contractor individuals, to be able to form a group health insurance program for individuals under the umbrella of a single association of these individuals.

Given the extraordinary difficulty evidenced in the individual health insurance markets around the country, the greatest benefit of regulatory flexibility comes in the Department of Labor allowing for the formation of a group health insurance program to serve individuals.

We look forward to working with the Department of Labor in clarifying this regulatory flexibility under the proposed rule.