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

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

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General Comment

U. S. Department of Labor-Office of Regulations and Interpretations

Employee Benefits Security Administration

200 Constitution Avenue NW

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Washington, D.C. 20210

Attention: Definition of Employer-Small Business Health Plans RIN 1210-AB85

We are a law firm which represents a not-for-profit, 501(c)(4)tax exempt membership organization which has been in existence since 1984. The Organization endeavors to deliver to its members information on issues related to work and employment; support high-quality research into areas of interest to working employees and self-employed members, provide to its members a variety of services including legal services,

retirement planning, health insurance, education and job skills training. It endeavors to become the premier source of information to policy makers, the business community, political leaders, and academic researchers on issues related to employment and link a wide variety of professional associations and related groups dedicated to meeting the changing needs of today's work force. Recently for a number of years the Organization provided its members with health care insurance at very reasonable premiums.

We understand that the main purpose of RIN-1210-AB85 is to expand the definition of ERISA 3(5) to allow small employers to join an employer group or an association to create efficiencies and lower health care costs of their owners and their employees. However, we wish to enquire whether a membership organization, especially one of long standing and qualified pursuant to 501(c)(4) may provide health insurance to its members who are employed but whose employers do not provide health insurance to their employees, and offer such health insurance on an individual basis through a currently existing third-party administrator,

We contend that such an arrangement as described above would serve the purposes of President Trump's Executive Order, which is the basis of 29 CFR 2510 (RIN 1210-AB85, by expanding the opportunity of individual employees and their families who face the serious challenge of paying for health insurance but are exposed to the exigencies of the highly expensive private health care insurance market by having a 501(c)(4) membership organization provide its employee members with low cost, individually designed health care insurance.

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