

# PUBLIC SUBMISSION

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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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## Submitter Information

**Name:** Mark Meade

**Address:** 539 Cross Creek Ct

Chester, MD, 21619

**Email:** mmeade@atlanticbb.net

**Phone:** 2404473320

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## General Comment

Having worked on all sides of this issue for over thirty years the concept of aggregation of small groups and individuals into large groups for the purpose of providing health coverage presents both opportunity for savings and yet challenges for stability of the health care market. The market today isn't really a market at all but a bunch of oligarchies made up of the few remaining carriers. The last approach to address this issue was the abject failure of the COOPs which was due to a combination of overly restrictive regulations and a lack of financial oversight. Solvency, a term seemingly lacking in political parlance, is critical to the survival of any insurance product if it is to deliver its promised benefits. The overly mandated world of health benefits has generated plans that are either too expensive to afford or too expensive to use. At the same time larger groups do not offer overly significant economies of scale as some envision.

If AHPs are to be successful and survive they need the ability to provide reasonable levels of benefits that meet their members needs. The plans need to be able to

establish membership rules that provide for homogeneous pools of members and not be just another large carrier. On the management side they will need competent staff able to deal with the complexity of plan operations as well as risk management. AHPs offer the opportunity to return competition to the market and provide purchasers with plans they want and can afford.