

February 21<sup>st</sup>, 2018

Mr. Alexander Acosta  
Secretary of Labor  
U.S. Department of Labor  
900 Constitution Avenue NW  
Washington, D.C. 20210

Re: "Definition of Employer under Section 3(5) of ERISA-Association Health Plans"; RIN 1210-AB85 or Docket ID No. 2017-28103 (submitted electronically)

Dear Secretary Acosta:

The Greater Northwest Indiana Association of REALTORS® (GNIAR) represents approximately 2,200 members across six (6) counties in Northwest Indiana. As self-employed individuals, it is often difficult for real estate professionals to find affordable health care coverage when costs are continually rising and insurance options are diminishing. The Department of Labor's notice of proposed rulemaking has the potential to increase health insurance options, which is greatly welcomed by real estate professionals and their families.

The hope of access to health insurance that provides our members multiple coverage options at prices they can afford faded in Northwest Indiana for 2018 as health insurers Anthem and MDwise withdrew from the Affordable Care Act's insurance exchange.

The decision by Anthem and MDwise leaves only two insurers that sell on Indiana's marketplace in 2018 - Ambetter/Managed Health Services/Centene/Celtic and CareSource. CareSource, however, doesn't offer plans in Lake and Porter counties, where 85% of our membership reside, and Ambetter/Managed Health Services/Centene/Celtic currently doesn't contract with Northwest Indiana's largest hospital system, Community Healthcare System.

Following are just two examples of the frustration our self-employed members are experiencing:

"A large carrier pulled out of Indiana and now I just had to turn around and go home without care after being sick and traveling through 7 degree weather since the replacement carrier is not done negotiating with everyone yet. I don't have time or feel well enough to comparison shop and cause providers to engage in competition (yeah right) and thus lower prices. Glad I'm not having an emergency. If I don't want to comparison shop now, I certainly won't if I'm dying. Yeesh!"

and,

"A friend of mine retired at 62. Too young for Medicare. Obamacare was the insurance she could afford. Plenty of Medicare supplement insurances but non-Obamacare primary insurance to fill the gap is expensive."



The following are two key issues crucial to our member's ability to "sleep at night" - free from the worry about health insurance coverage and its affordability:

(1) The rule proposes to provide more affordable choices for independent contractors by modifying the definition of "employer" to include "working owners." The proposed change in the definition of "employer" is essential to enabling real estate professionals to participate in an AHP in the large group market, rather than being forced to purchase in the more costly and volatile individual insurance market.

Large group plans typically have more flexibility in plan design and offer greater negotiating power to bargain for lower premiums – benefits that are key to reducing health care costs. The rule would also protect consumers enrolling in these plans by prohibiting discrimination based on health status.

(2) However, the proposed rule includes provisions that may restrict many self-employed persons from seeking more affordable insurance in an AHP.

For example, working owners are excluded from eligibility if they have an offer of coverage from a spouse's employer subsidized group health plan. Coverage available through a spouse's employer may not be the most affordable option for a family.

Eliminating this requirement will provide more insurance choices for many real estate professionals and their families.

In sum, the need for affordable health insurance options remains a top concern among our practicing real estate professionals - both locally and nationwide. Allowing "working owners" to participate in AHPs will offer new options for health insurance coverage, providing much needed relief that will support the real estate industry as a whole. Ensuring the proposed rule does not impose burdensome, unnecessary requirements on working owners is also an essential component in the final rule.

On behalf of the members of the Greater Northwest Indiana Association of REALTORS® Board of Directors, thank you for the opportunity to comment on this proposed rule.

Sincerely,



Saba Mohammed  
President