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

Comment On: EBSA-2018-0001-0001

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General Comment

Mental Health America of Wisconsin has long fought for equitable insurance coverage for people with mental illnesses. This effort culminated in the inclusion of mental health and substance use treatment services as part of the essential health benefits required under the Affordable Care Act. While the regulatory notice for the new rules suggests that the market is more efficient if people can better choose the coverage they need, such an approach in the past demonstrated that stigma and discrimination resulted in the failure of people having the coverage they or loved ones required. A health insurance plan that does not allow for essential health benefits may be less expensive but it will be worth less. And for those who require coverage for services left out of the plan it will be worthless. We oppose the regulations as long as they do not incorporate the essential health benefits including those for mental illness and substance use disorders.

We further recommend not allowing these plans to be exempt from State insurance regulation.