



November 22, 2019

Office of Regulations and Interpretations
Employee Benefits Security Administration
Room N-5655,
U.S. Department of Labor
200 Constitution Avenue NW
Washington, DC 20210

Re: Electronic Disclosure by Employee Benefit Plans (RIN 1210-AB90)

Submitted Electronically: www.regulations.gov

Dear Sir/Madam:

UnitedHealthcare (UHC) is submitting comments in response to the Proposed Rule on Electronic Disclosure by Employee Benefit Plans (the “Proposed Rule”) published by the Employee Benefits Security Administration (EBSA) in the *Federal Register* on October 23, 2019 (84 FR 56894). The Proposed Rule establishes an additional safe harbor for employee pension benefit plans to provide plan materials by electronic delivery.

UHC is dedicated to helping people live healthier lives and making our nation’s health care system work better for everyone. UHC serves the health care needs of more than 141 million people worldwide, funding and arranging health care on behalf of individuals, employers and the government. As America’s most diversified health and well-being company, we not only serve many of the country’s most respected employers, we are also the nation’s largest Medicare health plan – serving nearly one in five seniors nationwide – and one of the largest Medicaid health plans, supporting underserved communities in 30 States and the District of Columbia.

UHC supports the decision by EBSA to give pension plans greater flexibility in the delivery of plan materials; however, we believe welfare benefit plans, including plans providing group health or disability benefits, should also be permitted to use electronic delivery through a notice and access model. We appreciate the recognition by EBSA of the potential for expanding the safe harbor to welfare benefit plans and encourage you to work with the Departments of Health and Human Services and Treasury on additional rulemaking to accomplish this goal.

Welfare benefit plans send a variety of communications to plan members including enrollment materials, evidence of coverage documents, explanation of benefits (EOB) statements and responses to claim appeals. As noted in the Preamble to the Proposed Rule, current guidelines for pension and welfare benefit plans require these communications to be printed and mailed unless: (1) the participant can access information electronically as an integral part of their employment duties or (2) the participant, beneficiary or other person entitled to the document provides affirmative consent for electronic delivery.¹ This narrow approach limits the ability of

¹ 29 CFR §2520.104b-1

pension and welfare benefit plans to issue communications in electronic form, resulting in missed opportunities to lower costs and better engage participants and beneficiaries.

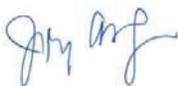
Expanding the use of electronic communications by welfare benefit plans has the potential to improve plan members' health and understanding of their plan benefits by providing more timely, effective and comprehensive information. For example, sending EOB statements electronically enables plan members to more quickly understand the cost of health care services and any cost-sharing responsibilities. The confidentiality of personal health and coverage information is also enhanced by electronic delivery, as members can access information via a secure, password-protected delivery channel rather than receiving mailed communications. Additionally, electronic communication offers a greener and less costly alternative to printing and mailing paper documents.

As noted in the Preamble to the Proposed Rule, technology has advanced since the EBSA rules governing use of electronic communications were adopted in 2002, and a significant number of households have computers and access to the internet. Additionally, standards to promote the electronic communication of information to consumers have been adopted by numerous federal agencies including the Internal Revenue Service, Securities and Exchange Commission, Social Security Administration and Federal Thrift Savings Plan. Allowing flexibility to adopt electronic communications is also consistent with recent Presidential directives to reduce regulatory burdens and costs.²

UHC recommends EBSA establish a safe harbor permitting welfare benefit plans to deliver plan materials electronically through a notice and access model. We ask EBSA to work with stakeholders to develop such an approach.

We appreciate the opportunity to provide input on this issue and look forward to working with EBSA on establishing an additional safe harbor for welfare benefit plans – similar to the expansion for employee pension benefit plans – to provide plan materials by electronic delivery. Please feel free to contact me if you have any questions.

Sincerely,



Joy O. Higa
Senior Vice President
National Regulatory Affairs

² Executive Order 13771, *Reducing Regulation and Controlling Regulatory Costs*, January 30, 2017; and Executive Order 13777, *Enforcing the Regulatory Reform Agenda*, February 27, 2017.