

August 12, 2010

The Honorable Phyllis Borzi, Assistant Secretary  
Employee Benefits Security Administration  
U.S. Department of Labor  
Washington, D.C. 20210  
Attn: RIN 1210-AB42

The Honorable Jay Angoff, Director  
Office of Consumer Information and Insurance Oversight  
U.S. Department of Health and Human Services  
Washington, D.C. 20201  
File Code: OCIIO-9991-IFC

Re: Group Health Plans and Health Insurance Coverage Relating to Status as a Grandfathered Health Plan Under the Patient Protection and Affordable Care Act

**Position: Modifications to a Plan's Provider Network or Self-funded Status Should Not Affect Grandfather Status**

Dear Ms. Borzi and Mr. Angoff:

On behalf of Brooks Tractor Inc., I am writing to ask you to give employers and health plans the flexibility necessary to focus on delivering high-value health care through their provider networks and urge you not to subject plans to increased regulations if they opt to self-fund their health benefits.

We have been self funding our benefit plan for almost 4 years and believe it is critical in providing quality, safe health care for our employees, while giving us some power to negotiate reasonable charges based on performance. Without the unencumbered ability to remove a provider from the network because of low performance or higher than average costs we are not able to do our part in achieving a high value health system. We provide health benefits to our employees because we care about their wellbeing and the wellbeing of their families. Those, and the fact that self funded employers have a significant financial stake in the health of their employees, are the reasons you have seen a strong commitment to quality, safety and wellness initiatives from self-funded employers. The best way to ensure these efforts continue is to ensure that there is a return on these investments – both for us as the plan sponsor and for our enrollees. By subjecting self-funded plans to additional regulations you will discourage employers from self funding, which is likely to negate any employer investment gained over the past several years.

A number of provisions in the Patient Protection and Affordable Care Act appear to support the twin goals of value based purchasing and consumer engagement. Self-funding and enabling changes to provider networks to promote high value, safe care are complementary strategies. I urge you not to tie grandfathered status to their adoption.

Thank you for your consideration of these comments. If you have any questions, please do not hesitate to contact me.

Sincerely,

  
Mary Kay Brooks  
General Manager



JOHN DEERE

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