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To: [E-OHPSCA2715.EBSA](#)
Cc: spba@erols.com
Subject: Concerns about Summary requirements for Self-Funded plans!
Date: Wednesday, October 12, 2011 3:46:16 PM

Dear Department of Labor,
PPACA requirements are creating time stress on both TPAs and their clients (self-insured companies). The March 23, 2012 deadline is fast approaching. This letter is a request to PLEASE delay in the effective date of the Summary of Benefits requirement for at least a year. In addition, please require them, for at least self-funded plans, only at plan renewal and seriously consider a "Self-Funded Summary" separate from the current Summary (see below). The following items are concerns for us.

1. If there is any way to simplify the Summary so that multiple Summaries could be avoided it would be helpful to employers and employees. As it is each self-funded entity will have to create multiple Summaries specifically for their company. If a self-insured entity has 3 different plans, 4 eligibility tiers and 3 PPOs you can see this would result in 36 Summaries. This appears to us to be way too much paper work and way to confusing for employers and employees. In my TPA alone we will be creating from 225 to 250 Summaries and we are not a large TPA. We fall into the smaller category.
2. It appears that the proposed Summary of Benefits template was created for fully-insured plans and thus from the fully-insured point of view. Our clients, and I believe the majority of US health plans, are self-funded. It is my understanding that the NAIC was the organization providing the format and since NAIC works within the fully-insured health marketplace it is reasonable this format would then address the fully-insured. State insurance departments generally do not have authority over self-funded welfare benefit plans, although most of us as TPAs do work with them when there is an issue.
3. The terminology used within the template is used in fully-insured health plans but is often not applicable in self-funded programs.
4. We also have a concern that the employee would be confused with this template and believe that he/she is actually in a fully-insured plan rather than a self-insured program. Allowing, offering, providing a self-funded version or template of the Summary will be more user friendly for clients, their employees and TPAs. It would also support the overall NAIC priority to make certain employees know if they are fully-insured or self-insured.

Thank you for reading my concerns and for your consideration of my clients issues.

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