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

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General Comment

To The ESBA:

I am a nurse practitioner in Washington state and I wish to voice my opposition here against the "Definition of Employer Under Section 3(5) of ERISA-Association Health Plans". This latest proposed rule change would considerably loosen the rules under which "Association Health Plans" (AHPs) could sponsor health plans.

What the Trump Administration is proposing has many flaws. First, because it loosens existing regulations, it opens the door for insurance fraud and junk insurance. Not only is this inherently wrong, but the people who will be most affected will be my fellow citizens who are self-employed and are incentivized (in many cases it is their only option) to join these plans.

Second, the proposed new rule will allow AHPs to NOT include "essential health benefits" to subscribers in an effort to provide those subscribers with more affordable

plans. I think it is fair to say that this is the ultimate medical fraud: "insurance plans" that do not provide essential health benefits. -That's why these benefits are called ESSENTIAL. And to not provide essential health benefits is dysfunctional, misleading, and morally reprehensible. The best analogy I can think of is the patient insured under this plan who is diagnosed with cancer but is unable to access the expensive therapy to treat their cancer. And there are other similarly disturbing examples. What kind of society doesn't cover medical coverage for pregnancy?

Third, this new rule greatly increases the opportunity for discrimination against certain demographic groups (eg charging much higher rates for women under 40 years of age) and in fact there is evidence that this tactic is one of the key ways in which these new plans would "save" money - by using discrimination against certain people to cut costs.

For all of these (and more) reasons, I strongly urge the ESBA to reject this latest attempt by the Trump administration to deny decent hardworking Americans their access to good healthcare. ESBA Members: perhaps your "litmus test" should be, "is this the type of insurance plan that I would want for my family????"