



COLORADO DEPARTMENT OF HEALTH CARE POLICY & FINANCING

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Bill Ritter, Jr., Governor • Joan Henneberry, Executive Director

March 30, 2010

Office of Health Plan Standards and Compliance Assistance
Employee Benefits Security Administration
Room N-5653
U.S. Department of Labor
200 Constitution Avenue NW
Washington, DC 20210
Attention: Employer CHIP Notice

To Whom It May Concern:

On February 4, 2010, the Federal Register published a notice regarding the "Publication of Model Notice for Employer to Use Regarding Eligibility for Premium Assistance Under Medicaid or the Children's Health Insurance Program." Colorado is one of many states listed that are subject to the new notice requirement under Section 701(f)(3)(B)(i)(II) of the Employee Retirement Income Security Act (ERISA), as added by the Children's Health Insurance Program Reauthorization Act (CHIPRA).

As noted in the Federal Register, employers within a State that provides medical assistance under a State Child Health Plan, in the form of premium assistance is required to provide the Employer CHIP Notice. However, Colorado's premium assistance program offered through its State children's health insurance program currently has the capacity to work with only one employer. Therefore, employees of any and all other employers are not eligible for the premium assistance program, known as Child Health Plan *Plus* at Work (CHP+ at Work).

While Colorado is working with CMS to establish a plan to expand CHP+ at Work, the expansion will take approximately one year. In the meantime, the CHIP Notice is causing a substantial amount of confusion amongst employers, third party administrators, and health insurance brokers, who question employees should be notified of a program that is unavailable to them.

To stem the tide of confusion, and minimize potentially costly administrative issues in the resulting efforts to clear the misinformation that is implicated by the Notice, Colorado's CHIP respectfully requests that the notice requirement is only applied to the employer whose employees are potentially eligible for CHP+ at Work. We believe that this will satisfy the intent of the Notice, as well as prevent confusion and the spread of misinformation.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read 'W Heller'.

William Heller
Director, Child Health Plan *Plus*