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

**Re: Comments on Department of Labor Notice of Proposed Rulemaking,
Docket # EBSA-2016-0010; RIN 1210-AB63**

Ladies and Gentlemen:

The Office of Massachusetts Attorney General Maura Healey supports the efforts of the National Academy for State Health Policy (NASHP), in collaboration with the National Association of Health Data Organizations (NAHDO), the APCD Council and others in preparing comments in connection with the Department of Labor's (DOL) proposed annual reporting requirements for plans that provide group health benefits (the "NASHP Comments"). The Massachusetts Attorney General's Office (MAGO) urges the DOL to give serious consideration to the pragmatic and thoughtful approach advocated in the NASHP Comments, which are the result of extensive collaboration among many states and stakeholders. The MAGO supports, in particular, the NASHP Comments' proposal that the DOL adopt, as part of its rulemaking, a national, standardized "Common Data Layout" for submission of information on health care claims, as well as that the DOL leverage existing infrastructure in the States through pilot programs in partnership with State all-payer claims databases (APCDs).

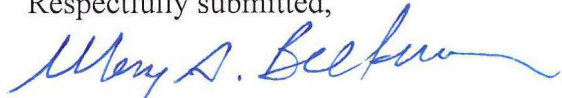
In the wake of the Supreme Court decision, *Gobeille v. Liberty Mutual Ins. Co.*, 136 S. Ct. 936 (2016), many data reporters across the country have limited their reporting of health care claims and related data to State APCDs. Although the Massachusetts Attorney General's Office and other state agencies are successfully working with a variety of stakeholders to encourage continued participation in the Massachusetts APCD, the proposals contained in the NASHP Comments are important steps to ensure that robust and detailed information on health claims, payment and quality will continue to be available to regulators, researchers, insurers, providers, businesses and others concerned with health care costs and quality.

As explained in the NASHP Comments, detailed health claims data is critical to both Federal and State policymaking, enforcement and oversight of health care costs and quality. By way of example, the type of data reporting that is proposed in the NASHP Comments has been used by Massachusetts to improve the delivery of high quality, cost-effective health care. Such data has been used to:

- Improve transparency of health care prices for employers, employees and their families.
- Help shed light on the causes of and effective responses to public health crises, including Massachusetts' opioid epidemic that has touched so many families in our state.
- Provide a better understanding of the burden of chronic conditions, health dynamics of aging populations, and other population health challenges. Massachusetts APCD data is currently being used to evaluate the quality and costs of care for lung, colorectal, breast and prostate cancer – the four most common causes of cancer mortality.
- Scrutinize health care mergers and affiliations that may increase costs or reduce quality. Health care claims data is used by the Massachusetts Health Policy Commission and the Attorney General's Office for market oversight.
- Identify cost drivers in our health care system and develop policies to reduce wasteful spending that provides no value to patients.

In sum, the MAGO urges the Department of Labor to consider seriously the proposals presented in the NASHP Comments.

Respectfully submitted,



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cc: Ray Campbell, Executive Director,
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Information and Analysis