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General Comment

Here in Indiana, an alternative to the Affordable Care Act (ACA) Marketplace plans is needed, as the individual health insurance policy market has virtually disappeared after enactment of the ACA. Those of us who are self-employed have been forced to purchase Marketplace plans that seem to have increasing premiums, at least for me and my family. For our family of 5, our monthly premiums went from:

\$559.52 in 2013 (before the ACA mandate kicked in)

\$654.43 in 2014 (17% increase from prior year)

\$913.98 in 2015 (40% increase from prior year)

\$1112.55 in 2016 (22% increase from prior year)

\$1506.19 in 2017 (35% increase from prior year)

Thus, in the span of five short years, our monthly insurance premium outlay went up a staggering 169%. Moreover, the number of available companies selling policies in the ACA Marketplace in Indiana has dwindled: for 2018, only two companies remained selling policies on the Indiana ACA Marketplace, as Indiana University Health Plans and Anthem ceased offering plans on the ACA Exchange for 2018. The fact that those of us who purchase health insurance through the ACA Marketplace have so few choices -- the proverbial "rock and a hard place" -- certainly

cannot be what was envisioned by the crafters of the ACA, who sought to expand accessibility and lower costs.

The proposal to allow working owners with no employees to join association health plans (AHPs) may very well provide welcome relief to those of us who are self-employed and have been at the mercy of the annual increases of the ACA Marketplace. Treating working owners without common law employees as "employers" for purposes of purchasing an AHP poses no problem conceptually given that the Department of Labor has in the past made special provision for those of us who are self-employed. For example, a retirement plan covering "employees" normally falls under the auspices of the Employee Retirement Income Security Act (ERISA), which triggers reporting requirements that would render the establishment of such a plan impractical for many small businesses, particularly those without employees. However, 29 CFR 2510.3-3(c) allows self-employed persons without any employees to be considered "employers" for purposes of creating a retirement plan while at the same time states that the "individual and his or her spouse shall not be deemed to be employees with respect to a trade or business, whether incorporated or unincorporated, which is wholly owned by the individual or by the individual and his or her spouse." Accordingly, the owner-employee designation is a tried-and-true idea that has been of an enormous help to self-employed persons who wish to save for retirement; the same may very well be true for AHP membership.