



Health Insurance Association of America

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Office of Regulations and Interpretations  
Employee Benefits Security Administration  
Room N-5669  
U.S. Department of Labor  
200 Constitution Avenue, NW  
Washington, DC 20210

Re: COBRA Notice Regulations

Dear Sir or Madam:

This letter conveys comments from the Health Insurance Association of America (HIAA) on the Department of Labor's proposed regulations pertaining to COBRA notice requirements, as published in the May 28, 2003 Federal Register. (pp. 31832-31843) HIAA is the nation's most prominent trade association representing the private health care system. Its nearly 300 members provide health, long-term care, dental, disability and supplemental health insurance coverage to more than 100 million Americans. Many of HIAA's members administer COBRA coverage on behalf of employers.

Our major concern with the proposed regulations is the stated implementation timeline. The proposal says the Department intends to finalize these regulations to be effective for plan years beginning on or after January 1, 2004. Our members advise us that they could require as much as nine months lead time to make necessary system changes to meet the proposed requirement that notices be customized to each participant or beneficiary.

As a member of the American Benefits Council (ABC), HIAA has participated in ABC members' discussions of the proposed regulations. HIAA member companies share the concerns identified in those discussions, including:

- the regulations impose additional notice requirements not mandated in statute;
- participants and beneficiaries are not required to fully satisfy their plan's "reasonable notification procedures" within the mandated time frame;
- under the proposed regulations, notices must be customized to include the name of the participant or beneficiary and the reason the notice is being sent; and
- in certain circumstances, oral communications from a participant or beneficiary will be deemed to satisfy the notice requirements.

We appreciate the opportunity to comment on the proposed regulations. Please contact me at 202-824-1693 or [mmiller@hiaa.org](mailto:mmiller@hiaa.org) if you have questions or need clarification.

Sincerely,

Marianne Miller  
Director, Federal Regulatory Affairs and Policy  
Development