

August 10, 2020

Submitted via the Federal eRulemaking Portal at <http://www.regulations.gov>

CC:PA: LPD:PR (REG-109755-19)

Room 5205
Internal Revenue Service
P.O. Box 7604
Ben Franklin Station
Washington, DC 20044

Re: Certain Medical Care Arrangements

Proposed Rule (REG-109755-19)

To Whom It May Concern:

The staff of Connect for Health Colorado, the state-based health insurance marketplace (SBM) for Colorado, greatly appreciates the opportunity provided by the Internal Revenue Service (IRS) a comment on the proposed rule, *Certain Medical Care Arrangements* published in the Federal Register on June 10, 2020.

Background

The Internal Revenue Service (IRS) released proposed regulations around Health Reimbursement Arrangements (HRAs) and their uses. These are plans that are offered by employers instead of offering a group health plan. The proposed guidance extends the purpose of these HRAs beyond covering costs of health insurance to being able to cover costs of Direct Primary Care Arrangements and Healthcare Sharing Ministries.

Impact Analysis

This proposed rule was in response to an Executive Order to give consumers ‘the information for choosing the healthcare they want and need’. Our organization’s mission is to increase access, affordability and choice for consumers in Colorado and are in line with this executive order. As the official health insurance marketplace for Coloradans, we strongly advocate that the rule in its current state be amended to include informed notice to consumers of Direct Primary Care Arrangements and Healthcare Sharing Ministries and their definitions. Specifically, notices should include clear information and plain language on the types of services and anticipated costs that are covered by these arrangements, and the types of products or services that may not be covered. The importance of a free market where consumers fully understand their

options and what they are signing up for with defined choices will give the best path to success in choosing what is right for them. Historically, consumers who were enrolled in a Health Care Sharing Ministry have turned to the Exchange for their health insurance coverage because they did not fully understand or get the coverage they needed from Health Care Sharing Ministry products. Noticing to consumers about what a Health Care Sharing Ministry is and that it is typically a lack of full coverage, is imperative for consumers to understand the product they are enrolling in.

We also would like to request that specific guidance be given to businesses on how to set up these particular arrangements. This should include clear notice and disclosure to employees about the types of services that are provided by these programs, and the types of services that may not be included, in line with existing regulations. Providing employers comprehensive and complete information on this topic will help determine the products and choices they offer to their employees, and in turn benefit employees in making informed choices

Conclusion

Connect for Health Colorado supports the flexibility and increased choice that Health Reimbursement Arrangements provide to consumers and businesses. With adequate noticing of what these products entail, this choice for consumers aligns with our mission. Thank you for your efforts and for considering our comments.

Sincerely,

Connect for Health Colorado Staff