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February 20, 2024

***Submitted via [www.regulations.gov](http://www.regulations.gov)***

U.S. Department of Labor  
Office of Regulations and Interpretations  
Employee Benefits Security Administration  
Attention: RIN 1210-AC16  
Room N-5655  
200 Constitution Avenue, NW  
Washington, DC 20210

**Re: Definition of "Employer" – Association Health Plans  
– RIN 1210-AC16**

To Whom It May Concern:

The National Health Law Program (NHeLP) appreciates your consideration of our comments. Founded in 1969, NHeLP is a nonprofit health law firm that protects and advances the health rights of low-income and underserved individuals.

In 2018, NHeLP opposed the Department of Labor's (DOL's) Proposed Rule that would have expanded the definition of "employer" under Section 3(5) of ERISA. We opposed the 2018 Proposed Rule because it would have allowed the creation of association health plans (AHPs) that skirt critical insurance market consumer protections, such as essential health benefits and rating standards. We were disappointed that DOL finalized these provisions in 2018 in its Final Rule.

The 2018 Final AHP Rule also encouraged adverse selection and would have weakened the Affordable Care Act's individual and small group markets, which are critical sources of coverage for millions of people, including many people with pre-existing health conditions and people with disabilities.

For the same reasons that NHeLP opposed the 2018 Proposed Rule, NHeLP now supports DOL's current proposal to rescind the 2018 Final Rule in its entirety.

If you have any questions, please do not hesitate to contact me.

Sincerely,



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