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August 6, 2013

The Honorable Kathleen Sebelius
Secretary
U.S. Department of Health and Human
Services
200 Independence Avenue, SW
Washington, D.C. 20201

The Honorable Thomas E. Perez
Secretary
U.S. Department of Labor
200 Constitution Avenue, NW
Washington, D.C. 20210

Dear Secretaries Sebelius and Perez:

On March 31, 2010, I sent your agencies a letter regarding a local Multiple Employer Welfare Arrangement (MEWA) plan offered by the Chamber of Commerce in Bend, Oregon. In my letter, I stated the importance of ensuring local health plans continue to thrive in the insurance marketplace. I greatly appreciate the subsequent responses I received to that letter in April and May of that year, and your stated commitment to ensure that all types of current insurance plans remain sustainable, flexible, and continue to provide employees with a robust health insurance option. For your reference, this letter and your previous responses are attached.

It has come to my attention, however, that, as I cautioned in 2010, this plan, and its ability to serve the 2000 employees who benefit from it, might not be available in the near future. I therefore ask that you take immediate action to ensure that this plan and others like it remain available to companies and employees who use it.

This plan is fully insured, and meets all state and federal laws including those mandated by the Affordable Care Act. In fact, the plan has even improved services and expanded benefits for members. These improvements include reduced out-of-pocket expenses for maternity-related services, reduced costs for medications, increased access to rural air ambulance services, reduced deductibles, and other improvements.

There is a concern, however, that the plan has not been approved by the federal government as a bona fide multiple employer organization, and therefore will not be approved under state Employee Retirement Income Security Act (ERISA) guidelines.

As I understand, the plan administrators have submitted a request for review to the Department of Labor, but between now and when that ruling might be available I'm concerned that the 141

employers in Central Oregon who participate in this plan, and the 2000 employees who have coverage because of it, will be left wondering if they will be able to keep their current coverage.

Please inform me of the action you plan on taking to protect this plan, or any other similar association health plan, offered to employees by local businesses in Oregon.

Best Regards,

A handwritten signature in blue ink that reads "Greg Walden". The signature is fluid and cursive, with a long horizontal stroke at the end.

Greg Walden
Member of Congress