



Second, not all self-funded plans are offered by multistate employers. Often, both the employer and their employees reside and receive care in a single state. Some employers who use self-funded plans are not even large employers. This has raised some concerns among state regulators who want to ensure that all health insurers doing business in their respective states are solvent – able to meet their obligations – and that federal preemption protects only employers that are truly “self-funded,” not third parties that act as insurers and insurance agents selling coverage to employers.

Finally, while addressing the high cost of health insurance is a goal we all share, everyone must understand that lowering the premiums for one employer or group of employers does not mean health care costs are systemically lowered. Most often, this means costs are being shifted to employees (especially those who need assistance the most) or to other employers and their employees. ERISA has been used by some as a weapon to

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