



March 6, 2018

Office of Regulations and Interpretations
Employee Benefits Security Administration
Room N-5655
U.S. Department of Labor
200 Constitution Avenue N.W.
Washington, DC 20210

Attention: Definition of Employer—

- **Region not to Exceed State or Metropolitan Area** – The AHP Proposed Rule allows an AHP to satisfy the commonality requirement if its members have a principal place of business within a region that does not exceed the boundaries of the same state or metropolitan area. We suggest that DOL define a metropolitan area consistent with definitions developed by the Office of Management and Budget and used by the census bureau and other federal agencies. We are also concerned that the DOL commonality requirement does not include a definition of region. Without clear guidelines, an AHP could define a region or a metropolitan area to avoid areas that are less affluent and, therefore, more likely to have chronic health problems. States should continue to have the authority to set required service areas.
- **Working Owners** – The AHP Proposed Rule extends the ability to join an AHP as an employer and as an employee to “working owners” and requests comment on whether the rule should use different criteria than the number of hours of service per week or month or income that at least equals the cost of coverage. We suggest that the DOL should limit working owners to individuals who can substantiate the claimed income or work hours through tax filings as self-employed individuals or members of partnerships under the Internal Revenue Code (IRC). Using the IRC definition would ensure, consisten

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