

October 3, 2022

U.S. Department of Health and Human Services
Office for Civil Rights
Attention: 1557 NPRM (RIN 0945-AA17)
Hubert H. Humphrey Building, Room 509F
200 Independence Avenue SW
Washington, DC 20201

Via Regulations.gov

To whom it may concern:

On behalf of NAIC's members—the chief insurance regulators in the 50 states, the District of Columbia, and U.S. territories—we submit comments on the proposed rule on discrimination protections under section 1557 of the Affordable Care Act. We appreciate the Department's attention to the views of states and other important stakeholders as it updates these important regulations.

Although state insurance regulators have a variety of views on the specific provisions of the rule, we agree on the need for effective regulations to better protect health insurance consumers from unfair discriminatory practices.

However, state regulators are concerned that application of the rule as proposed would be too broad. While it is appropriate and consistent with the statute to apply section 1557 protections to health insurers' programs and activities that receive federal financial assistance, the proposed rule goes further. It would apply to all the operations of health insurers when any part of the enterprise receives federal financial assistance. Because health

