



October 30, 2023

The Honorable Julie A. Su
Acting Secretary
U.S. Department of Labor
200 Constitution Avenue NW & Suite 200 h(t)-2 ngttutU.BDC T.0 Twr
Dear Acting Secretary Su:

On behalf of the National Association of Insurance Commissioners (NAIC), the standard setting organization representing the chief insurance regulators in the 50 states, the District of Columbia, and the United States territories, we write to you regarding the confusion and costly expenses some workers and retirees are facing with the transition to coverage under the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) accompanied by eligibility for Medicare. We urge the Department of Labor to move beyond education for employers and enact rules or issue guidance that prohibit COBRA continuation coverage under group health plans from limiting benefits due to an enrollee’s entitlement to Medicare without enrollment.

When an individual has more than one source of health coverage, coordination of benefits rules or Medicare secondary payer regulations apply to determine what amount each coverage source pays for the individual’s health care services. The rules deem one pl



Sincerely,

Chlora Lindley-Myers
NAIC President
Director

Andrew N. Mais (*He/Him/His*)
NAIC President-Elect