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Karynlee Harrington
Acting Executive Director

Maine Health Data Organization
151 Capitol Street
102 State House Station
Augusta, ME 04333-0102

Re: Written Comment of Aetna Life Insurance Company, Inc. Concerning Proposed Amended Rule, Chapter 243 (Uniform Reporting System for Health Care Claims Data Sets)

Dear Ms. Harrington:

Aetna Life Insurance Company, Inc. ("ALIC") is an insurance company that is authorized to transact insurance business in Maine and, as such, is exempt under state law from the requirement to be licensed as a third party administrator ("TPA"). In its capacity as a carrier so-authorized (but not as a licensed TPA), ALIC at times provides only administrative services for self-funded ERISA plan sponsors in Maine. As drafted, the proposed amendments to Chapter 243 would require ALIC to submit health care claims data on behalf of those self-funded plan sponsors. This is in contravention of the Supreme Court's decision in *Gobeille v. Liberty Mutual Insurance Co.*, which preempts state reporting requirements with respect to self-funded ERISA plans. We submit this written comment to address this drafting oversight.

Specifically, the proposed rule requires "health care claims processors" to submit health care claims data to the MHDO, but then exempts only licensed TPAs from having to do so on behalf of self-funded ERISA plans. As noted above, ALIC is not a licensed TPA in Maine. However, because the definition of "health care claims processors" includes a "third-party payer" which, in turn, includes a "carrier that provides only administrative services for plan sponsors," the proposed rule would require ALIC to report health care claims data on behalf of self-funded ERISA plan sponsors when it administers those plans. Accordingly, we request that the proposed rule be amended to clarify that carriers who are not licensed TPAs but provide only administrative services for self-funded ERISA plan sponsors are also exempt from the rule's reporting requirements.

Thank you for the opportunity to share this written comment.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Soifer", is written in a cursive style.

Peter Soifer