

Press Release

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Contact: Kara Jones
(202) 375-5012
kjones@americanhealthpolicy.org

New Paper Shows Strengthening ERISA Preemption to Maintain Uniform Rules Across States is Essential to Protecting Employee Health Insurance

Washington, D.C. – Health care reform should not place new mandates or burdens on employer health plans governed under the Employee Retirement Income Security Act (ERISA), as explained in a new paper from the American Health Policy Institute (AHPI), “[The Need to Strengthen ERISA Preemption.](#)”

As the paper explains, without ERISA, multi-state self-insured employer-sponsored plans would find it nearly impossible to operate under a variety of cumbersome and potentially conflicting state-based rules. Yet recent developments in Washington are raising concerns about ERISA’s potential to maintain uniform operating rules across multiple states.

Vanessa Scott, author of the paper and Partner at Eversheds Sutherland, says, “ERISA preemption is integral to the robust operation of self-insured employer-sponsored health plans. Any reforms to the Affordable Care Act (ACA) should remedy the ACA’s current indifference to the vital role that ERISA plays in allowing employers to offer uniform, low-cost health care benefits to employees, no matter where they live or work. Increasing state flexibility and innovation should not disrupt ERISA protections, which are essential to the continued success of the employer-based system.”

While reform should offer states greater flexibility to free their individual and small group health insurance markets from costly ACA regulations, changes to the ACA must clearly and explicitly prohibit approaches that permit state regulation of ERISA plan benefits, force plans to provide sensitive claims data, or impose new state-mandated taxes and fees.

Ms. Scott says, “Congress must explicitly direct states to use innovation to develop workable, low-cost alternatives to the ACA that do not damage the employer-sponsored health care system.”

To view the paper, please visit the following link: <http://bit.ly/2uPnRqi>

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Vanessa Scott is a partner in Eversheds Sutherland’s Washington, DC tax practice, where she specializes in ERISA and employee benefits matters. She is an adjunct professor of law at the Georgetown University Law Center. Ms. Scott attended Duke University and Vanderbilt

University School of Law, and holds an LLM in Taxation from the Georgetown University Law Center.

American Health Policy Institute is a non-partisan non-profit think tank started by the HR Policy Foundation that examines the practical implications of health policy changes through the lens of the American large employer. The Institute looks at the challenges employers face in providing health care to their employees and recommends policy solutions to promote the provision of affordable, high-quality, employer-based health care. The Institute serves to provide thought leadership grounded in the practical experience of America's largest employers. The Institute's mission is to develop impactful strategies to ensure that those purchasing health care are able to not only bend the cost curve, but actually break it by keeping health care cost inflation in line with general inflation. To learn more, visit www.americanhealthpolicy.org.