

Publications

DOL Proposes Sweeping Changes to Allow for Expanded Availability of Association Health Plans

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On Thursday, January 4, the Department of Labor (“DOL”) released a proposed rule, “Definition of ‘Employer’ Under Section 3(5) of ERISA—Association Health Plans” (“AHP Proposed Rule”). 83 Fed. Reg. 614 (Jan. 5, 2018). The AHP Proposed Rule, which is the result of President Trump’s October 12, 2017 executive order, expands the universe of arrangements that can qualify as an association health plan (“AHP”) for purposes of ERISA and also applies large group treatment to qualifying AHP coverage.

The AHP Proposed Rule achieves this by broadening the criteria under ERISA for determining when employers may join together in an association that is treated as the ERISA “employer” of a single group health plan. According to the Preamble, these changes are intended to “expand employer and employee access to more affordable, high-quality coverage.” **Comments are due March 6, 2018.**

[DOL Proposes Sweeping Changes to Allow for Expanded Availability of AHPDownload](#)