

FROM THE NAIC CONSUMER REPRESENTATIVES

September 21, 2026

**To: John King, Chair and Marie Grant, Vice Chair
Health Insurance and Managed Care (B) Committee**

RE: Consumer Representatives' Comments on 2027 Charges for the Health Insurance and Managed Care (B) Committee

On behalf of the undersigned Consumer Representatives to the National Association of Insurance Commissioners (NAIC), we are pleased to provide the following comments on the proposed 2027 charges for the Health Insurance and Managed Care (B) Committee and the various work streams that fall under B Committee.

Health Insurance and Managed Care (B) Committee

We support the B Committee's charges as currently written and do not suggest making changes. We continue to support the new charge adopted last year to include a focus on health equity and addressing disparities in affordability of and access to insurance. We look forward to the Committee devoting more attention to give meaning and action to this particular charge in future work. We also appreciate the inclusion of addressing emerging affordability challenges in the charges and believe the Health Care Affordability and Mitigation (B) Working Group is an important work stream that should continue in 2027.

Regulatory Framework (B) Task Force

We urge the Regulatory Framework Task Force to include a charge specifically focused on non-discrimination protections, in addition to the existing charge addressing disparities in health care access and affordability. We believe consumer non-discrimination protections, including protections that prohibit insurance plans from using plan designs that provide substandard care and treatment for populations with higher health care utilization, are both essential and under-enforced.

We also appreciate the time and attention that the Regulatory Framework Task Force has devoted to consumer challenges in accessing their health care due to excessive prior authorization barriers. Due to the scope of the issue and the many fronts it is being addressed, we believe the Task Force should create a Prior Authorization Working Group. At a minimum the issue of prior authorization should be reflected in a formal charge.

We urge the Task Force to consider the following additional charges:

- **Assess non-discrimination protections in health insurance and identify actions to improve broader knowledge and enforcement of, and compliance with, these protections.**

- Identify actions states can take to address the growing challenges associated with prior authorization and other utilization management techniques, including data collection to better understand how prior authorization is being used, the impact on consumer access, and specific regulatory actions to protect consumers against inappropriate use of prior authorization.

Employee Retirement Income Security Act (ERISA) and Alternative Health Coverage (B) Working Group

We appreciate the Working Group's focus this year to examine state laws and regulations of PBMs as well as analysis of legal challenges to these laws based on ERISA preemption. As court challenges continue, we urge the NAIC to update the ERISA handbook to reflect new court decisions.

We also appreciate and support the expanded charge of this Working Group to include non-ACA regulated alternative health coverage arrangements. As federal policies push to expand the non-ACA regulated market, regulators should be prepared to address consumer access challenges that may emerge. Because of the outsized impact of these limited benefit non-ACA regulated products on consumers with more pronounced health care needs, we believe that the Working Group should adopt charge language that more fully addresses the potential for discriminatory plan designs in these markets as well as outsized negative impact on consumers with complex and chronic conditions. We urge the Working Group to add the following charge:

- Assess how non-discrimination protections apply to alternative health coverage and the short and longer term impacts of alternative health coverage on populations with higher health care needs.

Mental Health Parity and Addiction Equity Act (MHPAEA) (B) Working Group

We fully support the work of the MHPAEA Working Group and its focus on ensuring mental health and substance use disorder benefits are comparable to medical/surgical benefits so consumers can access the services, medications, and supports they need. We are grateful the Working Group conducted a survey this year to identify the policies, strategies, and tools that each state uses to enforce parity, and we strongly urge the Working Group to make the full results of this survey publicly available. Increasing transparency on MHPAEA enforcement will make it easier for states to learn from each other to adopt stronger protections and will enable consumers to more meaningfully enforce their rights and secure access to the mental health and substance use disorder care they need.

Prescription Drug Coverage (B) Working Group

We appreciate the efforts of the Working Group on challenges consumers encounter as they seek to access and afford their prescription drugs. We support the continuation of the current charges. We look forward to the Working Group's continued focus on PBMs and were pleased to see the partnership with the D Committee in developing the PBM Market Conduct Exam chapter. We look forward to working with regulators on implementation.

Consumer Information (B) Working Group

We urge the Working Group to adopt the following additional charge:

- Recommend actions NAIC can take to increase consumer use of state insurance departments for assistance.
- Identify communication goals, strategies and tactics to reach communities that experience inequities in health insurance access, including through partnerships with community-based organizations.

Health Care Affordability and Mitigation (B) Working Group

We fully support the work of the Health Care Affordability and Mitigation Working Group and believe this focus area is critical to addressing the most pressing consumer access challenges. We believe the charges for the Working Group could be strengthened by specific language addressing both non-discrimination and health care disparities. As states grapple with policy responses to rising health care costs, we are concerned that policies be assessed not just for their impact on premiums, but also for their impact on out-of-pocket costs for consumers, including on the continued ability of people with chronic and complex conditions to afford comprehensive coverage. We urge the Working Group to adopt the following language:

- Assess how states can balance non-discrimination protections with affordability policy levers and analyze differential impact of affordability challenges on marginalized communities.

Senior Issues (B) Task Force

We urge the Task Force to amend its charges as follows:

- Develop appropriate regulatory standards and revisions, as necessary, to the NAIC models, consumer guides, and training material on LTCI, including the study and evaluation of evolving LTCI product design, rating, suitability, and other related factors. Monitor ongoing research and maintenance of guidance regarding reduced benefit options (RBOs) and make necessary modifications to the *Long-Term Care Insurance Model Act* (#640) and the *Long-Term Care Insurance Model Regulation* (#641). Support regulator conversations to work across state agencies to identify innovative and systemic policy solutions to address the growing need for long term care services and public and private financing mechanisms to pay for care. Work with federal agencies, as appropriate.

We also urge the Task Force to identify a specific LTCI working group to support deeper discussion and problem solving around growing long-term care access and affordability gaps.

Health Actuarial (B) Task Force

We support continuing the current charges as is, without change.

We look forward to working with the B Committee in the coming year.

Sincerely,

Theresa Alban
Kellan Baker
Laura Colbert
Lucy Culp
Deborah Darcy
Adam Fox
Elizabeth Hagan
Marguerite Herman

Anna Hyde
Amy Killelea
Lindsey Murtagh
Sarah Phillips
Carl Schmid
Deborah Steinberg
Harold Ting
Silvia Yee