



September 1, 2023

Katie Merritt  
Policy Director  
Pennsylvania Department of Insurance  
1326 Strawberry Square  
Harrisburg, PA 171200

Dear Ms. Merritt:

I write on behalf of the Pennsylvania Chamber of Business and Industry (PA Chamber) in response to your request for comments published in the July 29, 2023 Pennsylvania Bulletin regarding the department's consideration of updating the Commonwealth's essential health benefits (EHB) benchmark plan.

The PA Chamber is the largest broad-based business association in Pennsylvania. Our nearly 10,000 members include employers across all industry sectors and all sizes throughout the Commonwealth. We appreciate the opportunity to submit these comments.

Health care policy is a key focus for the PA Chamber and our member-driven [Health Care Policy position statement](#) recognizes the ongoing struggle to manage the cost and complexity of health care coverage while striving to maintain high standards of quality and accessibility. As the policy states: "Balancing cost, quality and accessibility within the health care system remains a challenge for all stakeholders in the process, including government, insurers, providers, purchasers and consumers."

Our policy also makes clear that we "oppose the expansion of mandated benefits, unless sufficient evidence exists demonstrating that the benefits of the mandate clearly outweigh its costs." As employers continue to struggle with escalating health care costs, any consideration of expanding mandatory benefits must be weighed against affordability.

It is unclear to us whether the department has the statutory authority, absent an act of the legislature, to embark on a rewrite of the EHB benchmark plan. Any expansion of the EHB benchmark plan would constitute a major public policy decision that would be best left to the legislative body. We request that the department identify the enabling statutes that would allow for an expansion of the EHB benchmark plan through rulemaking.

If the department is to pursue a rewrite of the EHB benchmark plan, we strongly encourage you to utilize a transparent process that discloses all public comments, full cost estimates, and any other data or information used in determining any proposed changes. We also encourage a process that engages the PENNIE Board to review any such proposal.

We appreciate the opportunity to provide feedback on the department's request for comment. Please contact me at 717-507-9240 or [nlesher@pachamber.org](mailto:nlesher@pachamber.org) should you have any questions or for further discussion.

Sincerely,

A handwritten signature in black ink that reads "Neal R. Lesh". The signature is fluid and cursive, with a long horizontal flourish at the end.

Neal Lesh  
Director, Government Affairs