



**Joann Waiters**  
Regional Vice President, State Relations

November 12, 2015

Jennifer M. Libster  
Associate General Counsel  
Health Benefit Exchange Authority  
1225 Eye Street, NW, Suite 400  
Washington, DC 20005

Re: Comments on the Draft Notice of Proposed Rulemaking, Chapter 1, Health Carrier Assessment

Dear Ms. Libster:

Thank you for allowing the American Council of Life Insurer's (ACLI)<sup>1</sup> to comment on the District of Columbia Health Benefit Exchange Authority's (the Exchange) Draft Notice of Proposed Rulemaking, Chapter 1, titled "Health Carrier Assessment." The provisions in the proposed rule are identical to the Exchange's Notice of Emergency Rulemaking - effective July 21, 2015 and the Exchange's Informal Discussion Draft - published on July 1, 2015. All of the proposals continue to subject each health carrier as defined in D.C. Code § 31-3171.01(6) to an annual assessment. We, therefore, reiterate our earlier comments dated July 9, 2015 stating that in the matter of *American Council of Life Insurers v. District of Columbia Health Benefit Exchange Authority et al.*, ACLI strongly objects to any legislation and/or regulation that authorizes the Exchange to assess a fee on products such as disability income insurance, long-term care insurance, and other supplemental products that are not sold on the DC Exchange. This objection is based on both federal statutory and constitutional grounds. We respectfully urge the Exchange to reconsider its position of assessing these products.

Thank you again for the opportunity to submit written comments on the Draft Notice of Proposed Rulemaking relating to health carrier assessment.

Sincerely,

Joann Waiters

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<sup>1</sup> ACLI is a Washington, D.C. based national trade association with 284 member companies operating in the United States and abroad. Two hundred and thirty seven (237) of our members are licensed to do business in the District of Columbia. ACLI advocates in federal, state, and international forums for public policy that supports the industry marketplace and the 75 million American families that rely on life insurers' products for financial and retirement security. ACLI members offer life insurance, annuities, retirement plans, long-term care and disability income insurance, and reinsurance, representing more than 90 percent of industry assets and premiums.