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May 6, 2024

Karen Handorf  
Senior Counsel  
Berger Montague  
1001 G Street N.W.  
Washington, DC 20001

Dear Ms. Handorf:

Enclosed are additional questions submitted by a Committee Member following the April 16 Subcommittee on Health, Employment, Labor, and Pensions hearing on "ERISA's 50th Anniversary: the Path to Higher Quality, Lower Cost Health Care." Please provide written responses no later than May 27, 2024, for inclusion in the hearing record. Responses should be sent to Alexander Knorr ([Alexander.Knorr@mail.house.gov](mailto:Alexander.Knorr@mail.house.gov)) of the Committee staff, who can be contacted at (202) 225-7101.

Sincerely,

A handwritten signature in blue ink that reads "Bob Good".

Bob Good  
Chairman  
Subcommittee on Health, Employment, Labor, and Pensions

Enclosure

## Questions for the Record for Karen Handorf

### Subcommittee on Health, Employment, Labor, and Pensions Hearing “ERISA’s 50th Anniversary: the Path to Higher Quality, Lower Cost Health Care”

April 16, 2024  
10:15 a.m.

#### Rep. Mark DeSaulnier (D-CA)

1. A recent New York Times investigation described the compensation practices of a data analytics firm called MultiPlan, which works with third-party administrators of employer-sponsored health plans to identify so-called “savings” in the form of low reimbursements for out-of-network care. The investigation found that MultiPlan and the third-party administrators were allowed to charge employers excessive fees and leave plan participants with exorbitant out-of-pocket expenses. What barriers do plan fiduciaries face in accessing the data described in the CAA?
  - a) How widespread are arrangements such as the one described by the *New York Times*? Are there similar examples that have not reached the public’s eye yet?
  - b) How are existing rules under ERISA and related laws, such as the claim denials and appeals regulations, insufficient to combat this issue?
  - c) Do you believe that DOL has adequate resources to ensure that there is meaningful oversight of group health plans and their service providers?
  - d) What are some legislative solutions to address this and similar practices by service providers?
  - e) How would improving remedies under ERISA and related laws help workers protect their rights?
  
2. The Department of Labor consults with a body called the Advisory Council on Employee Welfare and Pension Benefit Plans, commonly known as the ERISA Advisory Council. The Council has released a number of reports that have helped inform the Department in issuing guidance and regulations under ERISA. However, the majority of the Council’s efforts have focused on pensions, and generally have not examined health care issues as frequently. As you note in your testimony, DOL has jurisdiction over millions of health plans that cover more than 130 million Americans.
  - a) Are there ways that the Council could be improved to ensure that issues relating to health care are more prominently considered?
  - b) Do you think the membership of the Council adequately represents the interests of plan participants and beneficiaries? Would you recommend changes to the Council’s membership?