LRS
OHIO LEGAL RIGHTS SERVICE

50 West Broad Street
Suite 1400
Columbus, Ohio 43215-5923
olrs.ohio.gov

Telephone 614.466.7264
Toll Free 1.800.282.9181
TTY Toll Free 1.800.858.3542
Fax 614.644.1888

for people with disabilities

July 25, 2011

Honorable Hilda Solis
Secretary
U.S. Department of Labor
200 Constitution Avenue, NW.,
Washington, DC 20210

RE: RIN 1210-AB45 (Comments on the Interim Final Rule, Group Health Plans and Health Insurance Issuers: Rules Relating to Internal Claims and Appeals and External Review Processes)

Dear Secretary Solis,

On behalf of the Ohio Legal Rights Service (LRS) I want to thank you for the opportunity to comment on the above-referenced interim final rule.

LRS is an independent state agency and the federally designated Protection and Advocacy system and Client Assistance Program for people with disabilities in the state of Ohio. The mission of LRS is to protect and advocate, in partnership with people with disabilities, for their human, civil and legal rights.

LRS opposes the10% threshold for limited English proficiency (LEP) translation and oral interpretation services of private health insurance issuers in the internal review and appeals context. The 10% percent threshold appears to be an arbitrary standard set in favor of industry ease rather than promoting consumer protections and ensuring access to critical health insurance notice and appeal procedures. *A more appropriate standard would be to set the threshold at 5% of the plan's population or 500 persons in plan's service area for large group plans, and 25% of population for small plans* – similar to the recently promulgated final rules concerning individual plans.

Oral interpretation services, as well as other reasonable accommodations should be provided by plan issuers at all times to ensure meaningful access to their respective services. LRS regularly observes situations where individuals with limited English proficiency may also be deaf or hard of hearing. In these situations oral interpretation services should be provided.

Indeed, such reasonable accommodations are consistent with federal laws that require recipients of federal financial assistance – including issuers participating in Medicare Advantage – to ensure access to their services.

In conclusion, LRS respectfully submits the forgoing comments and requests the interim final rules to be modified accordingly. Thank you for your time and consideration on this important matter.

Sincerely,

Geoffrey Collver
External Relations Liaison
Ohio Legal Rights Service