

Pages 1 through 49 redacted for the following reasons:

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Exemption 4



October 11, 2010

HHS, Office of Consumer Information and Insurance Oversight, Office of Oversight  
Attention: James Mayhew  
200 Independence Ave SW  
Washington, DC 20201

RE: Waiver

Dear Mr. Mayhew:

Please accept this letter as an attestation to the following regarding the Buffets, Inc. Limited Benefit Medical Plan:

1. The Buffets, Inc. Limited Benefit Medical Plan was in force prior to September 23, 2010. The Plan was originally implemented January 1, 2007.
2. The application of restricted annual limits to the Plan would result in a significant increase to premiums paid by our team members which are currently covered under the Plan.

Should you have any additional questions regarding our waiver application, please contact me a 651-365-2797.

Sincerely,

Paul Holovnia  
Vice President, Finance  
Buffets, Inc.

**♦Buffets, Inc.♦**

1020 Discovery Road, Suite 100      •      Eagan, MN 55121-1133      •      (651) 994-8608

BUFFETS:000002

**From:** Scelzo, Kathleen (HHS/OCIIO)  
**Sent:** Thursday, November 04, 2010 8:29 AM  
**To:** 'Tori Feit'  
**Cc:** Habit, Sandra (HHS/OCIIO)  
**Subject:** RE: Buffets, Inc Waiver Information

**Importance:** High

Good Morning Tori,

I want to make sure the premium figures are correct because they seem a little low. The amounts stated on the sheets are a combination of both the employer and employee contribution.

Kathleen M. Scelzo, RN, MSN  
Rules Compliance Division  
Office of Insurance Oversight  
Office of Consumer Information and Insurance Oversight (OCIIO)  
Department of Health and Human Services  
7501 Wisconsin Avenue  
Bethesda, MD  
301-492-4121

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**From:** Tori Feit [mailto:tori\_feit@yahoo.com]  
**Sent:** Wednesday, November 03, 2010 9:45 AM  
**To:** Scelzo, Kathleen (HHS/OCIIO)  
**Cc:** Habit, Sandra (HHS/OCIIO); Work  
**Subject:** Buffets, Inc Waiver Information

Good Morning Kathleen

Attached is the information you had requested earlier this week. Again, I tried to send an email from my work email and it was not successfully sent (something on our side is not letting it go through).

One thing to note - the response we received from the TPA on the projected increase to add the \$750,000 limit was a multiplicative of █ I actually noted the same rates for both plans as basically the difference currently is the annual maximum.

Please let me know if you need any further information. Also, could you let me know how we could anticipate receiving a response on this (email, mail, etc)?

Thank you,

Tori Riebel  
Benefits Supervisor  
Buffets, Inc.  
651-365-2231  
[tori.riebel@buffetsinc.com](mailto:tori.riebel@buffetsinc.com)

BUFFETS:000003

**From:** Tori Feit [tori\_feit@yahoo.com]  
**Sent:** Thursday, November 04, 2010 8:45 AM  
**To:** Scelzo, Kathleen (HHS/OCIIO)  
**Cc:** Habit, Sandra (HHS/OCIIO)  
**Subject:** Re: Buffets, Inc Waiver Information

Good Morning Kathleen

I apologize if I didn't note it but they are weekly premiums and yes they are the full premiums.

Please let me know if you have any further questions.

Tori Riebel  
651-365-2231

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**From:** "Scelzo, Kathleen (HHS/OCIIO)" <Kathleen.Scelzo@hhs.gov>  
**To:** Tori Feit <tori\_feit@yahoo.com>  
**Cc:** "Habit, Sandra (HHS/OCIIO)" <Sandra.Habit@hhs.gov>  
**Sent:** Thu, November 4, 2010 7:29:01 AM  
**Subject:** RE: Buffets, Inc Waiver Information

Good Morning Tori,

I want to make sure the premium figures are correct because they seem a little low. The amounts stated on the sheets are a combination of both the employer and employee contribution.

Kathleen M. Scelzo, RN, MSN  
Rules Compliance Division  
Office of Insurance Oversight  
Office of Consumer Information and Insurance Oversight (OCIIO)  
Department of Health and Human Services  
7501 Wisconsin Avenue  
Bethesda, MD  
301-492-4121

---

**From:** Tori Feit [mailto:tori\_feit@yahoo.com]  
**Sent:** Wednesday, November 03, 2010 9:45 AM  
**To:** Scelzo, Kathleen (HHS/OCIIO)  
**Cc:** Habit, Sandra (HHS/OCIIO); Work  
**Subject:** Buffets, Inc Waiver Information

Good Morning Kathleen

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One thing to note - the response we received from the TPA on the projected increase to add the \$750,000 limit was a multiplicative of █ I actually noted the same rates for both plans as basically the difference currently is the annual maximum.

Please let me know if you need any further information. Also, could you let me know how we could anticipate receiving a response on this (email, mail, etc)?

Thank you,

Tori Riebel  
Benefits Supervisor  
Buffets, Inc.  
651-365-2231  
[tori.riebel@buffetsinc.com](mailto:tori.riebel@buffetsinc.com)

BUFFETS:000004



**From:** Botwinick, Alexandra (HHS/OCIIO)  
**Sent:** Friday, November 05, 2010 2:53 PM  
**To:** 'tori\_feit@yahoo.com'  
**Subject:** Waiver of the Annual Limits Requirements of PHS Act Section 2711

**Importance:** High

**Attachments:** Updated Jan 1 Approval Letter .pdf  
Ms. Feit,

Thank you for submitting an application for a Waiver of the Annual Limits Requirements of the PHS Act Section for Buffets, Inc. HHS has reviewed your application and made its determination. Please see the attached letter.

Please confirm receipt of this letter by replying to this e-mail address with a copy to [OCIIOoversight@hhs.gov](mailto:OCIIOoversight@hhs.gov).

Please let me know if I can be of further assistance.

Sincerely,

Alexandra Botwinick

Office of Oversight  
HHS/OCIIO  
[alexandra.botwinick@hhs.gov](mailto:alexandra.botwinick@hhs.gov)

BUFFETS:000006

November 1, 2010

Dear Applicant:

RE: Buffet Inc. (Bronze Plan)

Thank you for your application for the Waiver of the Annual Limits Requirements of the PHS Act Section 2711. In order to complete your application, please provide the following information about the Buffet Inc. (Bronze Plan):

1. (The premium amounts is the total cost to the employer and the employee)

WEEKLY PREMIUMS NOTED	Premium (current level)	Premium (renewal)	Premium (if \$750,000 annual limit was applied)	% increase if the \$750,000 was implemented
EE	(b)(4)			
EE + Child (if applicable or other appropriate tier)	(b)(4)			
EE + Spouse (if applicable or other appropriate tier)	(b)(4)			
Family (if applicable or other appropriate tier)	(b)(4)			

*RESPONSE FROM UNDERWRITER AT TPA - As an estimate in looking at a standard pricing model we would at a minimum, adjust the rates by a multiplicative of 5.*

Please provide this information by 5:00 pm, November 3, 2010. We look forward to receiving your completed application. Thank you.

Sincerely,

Kathleen M. Scelzo, RN, MSN  
Rules Compliance Division  
Office of Insurance Oversight  
Office of Consumer Information and Insurance Oversight (OCIIO)  
Department of Health and Human Services

301-492-4121



November 1, 2010

Dear Applicant:

RE: Buffet Inc. (Bronze Plan)

Thank you for your application for the Waiver of the Annual Limits Requirements of the PHS Act Section 2711. In order to complete your application, please provide the following information about the Buffet Inc. (Bronze Plan):

1. (The premium amounts is the total cost to the employer and the employee)

	Premium (current level)	Premium (renewal)	Premium (if \$750,000 annual limit was applied)	% increase if the \$750,000 was implemented
EE				
EE + Child (if applicable or other appropriate tier)				
EE + Spouse (if applicable or other appropriate tier)				
Family (if applicable or other appropriate tier)				

Please provide this information by 5:00 pm, November 3, 2010. We look forward to receiving your completed application. Thank you.

Sincerely,

Kathleen M. Scelzo, RN, MSN  
Rules Compliance Division  
Office of Insurance Oversight  
Office of Consumer Information and Insurance Oversight (OCIIO)  
Department of Health and Human Services  
301-492-4121

November 1, 2010

Dear Applicant:

RE: Buffet Inc. (Silver Plan)

Thank you for your application for the Waiver of the Annual Limits Requirements of the PHS Act Section 2711. In order to complete your application, please provide the following information about the Buffet Inc. (Silver Plan):

1. (The premium amounts is the total cost to the employer and the employee)

WEEKLY PREMIUMS NOTED	Premium (current level)	Premium (renewal)	Premium (if \$750,000 annual limit was applied)	% increase if the \$750,000 was implemented
EE	(b)(4)			
EE + Child (if applicable or other appropriate tier)	(b)(4)			
EE + Spouse (if applicable or other appropriate tier)	(b)(4)			
Family (if applicable or other appropriate tier)	(b)(4)			

*RESPONSE FROM UNDERWRITER AT TPA - As an estimate in looking at a standard pricing model we would at a minimum, adjust the rates by a multiplicative of 5. ADJUSTED THESE RATES TO REFLECT THE SAME RATES AS THE BRONZE PLAN*

Please provide this information by 5:00 pm, November 3, 2010. We look forward to receiving your completed application. Thank you.

Sincerely,

Kathleen M. Scelzo, RN, MSN  
Rules Compliance Division  
Office of Insurance Oversight  
Office of Consumer Information and Insurance Oversight (OCIIO)

**From:** Scelzo, Kathleen (HHS/OCIIO)  
**Sent:** Monday, November 01, 2010 3:04 PM  
**To:** 'tori.riebel@buffetsinc.com'  
**Cc:** Habit, Sandra (HHS/OCIIO)  
**Subject:** Buffets Inc Waiver Application

**Attachments:** Buffet Inc~Silver Waiver Application Questions.doc; Buffet Inc~Bronze Waiver Application Questions.doc

Mac Meadows,

I left a message for you this afternoon alerting you about an e-mail you would receive from me concerning Buffets Inc. application for Annual Limits Requirements of the PHS Act Section 2711 for the Bronze and Silver Plans. Attached above are the documents that need to be completed in order to finalize the application process.

Many thanks for your assistance with this document.

Kathleen M. Scelzo, RN, MSN  
Rules Compliance Division  
Office of Insurance Oversight  
Office of Consumer Information and Insurance Oversight (OCIIO)  
Department of Health and Human Services  
7501 Wisconsin Avenue  
Bethesda, MD  
301-492-4121

BUFFETS:000011

**From:** Tori Feit [tori\_feit@yahoo.com]  
**Sent:** Wednesday, November 03, 2010 9:45 AM  
**To:** Scelzo, Kathleen (HHS/OCIIO)  
**Cc:** Habit, Sandra (HHS/OCIIO); Work  
**Subject:** Buffets, Inc Waiver Information

**Attachments:** Buffet Inc~Silver Waiver Application Questions.doc; Buffet Inc~Bronze Waiver Application Questions.doc

Good Morning Kathleen

Attached is the information you had requested earlier this week. Again, I tried to send an email from my work email and it was not successfully sent (something on our side is not letting it go through).

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Please let me know if you need any further information. Also, could you let me know how we could anticipate receiving a response on this (email, mail, etc)?

Thank you,

Tori Riebel  
Benefits Supervisor  
Buffets, Inc.  
651-365-2231  
[tori.riebel@buffetsinc.com](mailto:tori.riebel@buffetsinc.com)


BUFFETS:000012



DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of Consumer Information and  
Insurance Oversight  
Washington, DC 20201

**Date:** October 2010

**From:** Steve Larsen, Director, Office of Oversight 

**Subject:** Application for Waiver of the Annual Limits Requirements of PHS Act Section 2711

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Dear Waiver Applicant:

Section 2711(a)(2) of the Public Health Service Act (PHS Act), as added by the Patient Protection and Affordable Care Act (Affordable Care Act), requires the Secretary to impose restrictions on the imposition of annual limits on the dollar value of essential health benefits (as defined in section 1302(b) of the Affordable Care Act) for any participant or beneficiary in a new or existing group health plan or a new policy in the individual market for plan or policy years beginning on or after September 23, 2010 and prior to January 1, 2014. Specifically, the Secretary is granted the authority to determine what constitutes a "restricted annual limit" that can still be imposed under such plans or policies prior to January 1, 2014.

The interim final regulations published on June 28, 2010 (codified at 26 CFR § 54.9815-2719T; 29 CFR § 2590.715-2719; and 45 CFR § 147.126) established such restricted annual limits. The regulations also provided that these restricted annual limits may be waived by the Secretary of Health and Human Services (HHS) if compliance with the interim final regulations would result in a significant decrease in access to benefits or a significant increase in premiums. Pursuant to the regulation, HHS issued guidance on September 3 regarding the scope and process for applying for a waiver.

The Office of Consumer Information and Insurance Oversight, Office of Insurance Oversight received and processed your application for the plan(s) or policy(ies) year beginning January 1, 2011. We have determined that your application has met the criteria to obtain a waiver of the restricted annual limits requirements because compliance with the interim final regulations would result in a significant decrease in access to benefits for those currently covered by such plans or policies, or a significant increase in premiums paid by those covered by such plans or policies. To the extent you make any change to your benefit package after March 23, 2010, you must determine whether the change(s) will trigger loss of grandfathering status pursuant to 45 CFR § 147.140(g)(1).

An approval of your request for waiver of the restricted annual limits requirements granted under this process applies only to the annual limit(s) provided in your application for the plan or policy year beginning between September 23, 2010 and September 23, 2011. This waiver only applies to the annual limits requirements in Section 2711 of the ACA and does not apply to any other requirement of the Affordable Care Act, ERISA, the IRS Code or the PHS Act. Further, a group

health plan or health insurance issuer must reapply for any subsequent plan or policy year prior to January 1, 2014 when this waiver expires in accordance with future guidance from HHS. HHS may modify this waiver approval process memorandum and other relevant information.

If you have any questions regarding this letter, please email [OCIIOOversight@hhs.gov](mailto:OCIIOOversight@hhs.gov).

**From:** Tori Feit [tori\_feit@yahoo.com]  
**Sent:** Thursday, October 14, 2010 3:45 PM  
**To:** HHS HealthInsurance (HHS)  
**Subject:** Waiver - Buffets, Inc.

**Attachments:** 2009 SPD.pdf; 2010 PAI Brochure.pdf; 2010 Buffets Limited Plan Summary.xls; 2011 Buffets Limited Plan Attestation.pdf

Lapria Gary responded to my inquiry as to if it would be alright to send from my personal email as my work email was not allowing this to go through. I am trying to send again (I did also overnight the package via UPS today, for a tomorrow {10/15/10} morning delivery). Sorry for the duplication!

*Below is the requested information for the Buffets, Inc. Limited Benefit Medical Plan waiver application.*

1. *Summary Plan Description / Plan Brochure - attached*

2. *# of individuals covered (contracts)*

*Silver Plan contracts (as of 9/8/2010):*

*Bronze Plan contracts (as of 9/8/10):*

(b)(4)

3. *Annual limits:*

*Bronze Plan: \$2,000 medical and \$500 Rx*

(b)(4)

*Silver Plan: \$5,000 medical and \$500 Rx =*

(b)(4)

4. *An informal RFP was conducted (by an outside consultant) to determine the impact in the costs to employees associated with implementing a Fixed Indemnity Plan with similar benefits. The analysis shows that the premiums paid by employees would be significantly higher. Please see the attached Excel Spreadsheet for detailed analysis. By changing the plan to comply with the ACA, the premiums would increase significantly (in some cases nearly doubling) and such plan would be unaffordable for the participants. The requested waiver would allow Buffets, Inc.'s employees to continue to have access to health care coverage that they can afford.*

5. *Attestation, signed by Paul Holovnia, VP of Finance certifying the following is attached:*

1) *The plan was in force prior to September 23, 2010*

2) *The application of restricted annual limits to such plans would result in a significant increase in premiums paid by those covered.*

*Tori Riebel, CEBS*  
Benefits Supervisor  
Buffets, Inc.  
1020 Discovery Road, Suite 100  
Eagan, MN 55121  
(P) 651.365.2231 | (F) 651.365.2356

BUFFETS:000015