



ERISA NOTICE REQUIREMENTS

ERISA AND OTHER REQUIRED NOTICES FOR
GROUP HEALTH PLANS

369 North Main Street | PO Box 299 | Marlborough, CT 06447 | 888-322-2524
dgb-online.com

ERISA and Other Required Notices



Exchange Notice

Special Enrollment Rights Notice

Medicare Creditable Coverage Notice

Women's Health and Cancer Rights Notice

CHIP Notice (AKA CHIPRA Notice)

General COBRA Notice

HIPAA Privacy Notice

Exchange Notice

Description

ACA requires employers (not Plans) to provide new hires with written notice about healthcare options available through State or Federal Exchanges (also known as the “Marketplace”) and some of the consequences if an employee elects to purchase a qualified health plan through the Exchange in lieu of employer sponsored health coverage.

Timing

- Must be provided to all new hires within 14 days of their hire date and upon request.
- *Suggestion: We recommend handing this out when an employee is hired (possibly include it in any new hire packet provided).*

Special Enrollment Rights Notice

Description

This notice must provide:

1. A description of the Plan's Special Enrollment Rights provision to employees who decline coverage during a normal or annual enrollment.
2. Their rights to add new dependents.

Note: The notice may also include a statement from the employee that coverage is being declined due to the existence of other coverage.

Timing

- Must be provided to and signed by any employee who is eligible to enroll in a group health plan. The notice must be given to the employee by the employer at or before the employee is initially given the opportunity to enroll.
- *Suggestion: This notice should be included with other enrollment materials provided to employees at initial enrollment.*

Medicare Part D Creditable Coverage Notice

Description

Health Plans (insured and self-insured) must disclose whether the Plan's prescription drug coverage is creditable or non-creditable to Medicare Part D prescription drug coverage.

The information provides important information relating to their Part D enrollment, including potential consequences of declining employer sponsored coverage and penalties for late enrollment in Medicare Part D if their employer sponsored coverage is not creditable.

Timing

- Prior to commencement of Part D's annual election period that begins Nov 15th each year.
- Prior to an individual's initial opportunity to enroll in Medicare.
- At time of Medicare eligible individual's initial enrollment (include with enrollment materials).
- When the plan's creditable or non-creditable coverage status changes.
- Upon request of Member.
- *Health Plan's can generally be compliant by providing the notice to ALL employees once a year.*

Part D Creditable Coverage Disclosure to CMS

Description

Employers are also required to disclose the Group Health Plan's prescription drug coverage Part D creditable coverage status to CMS (Centers for Medicare and Medicaid).

Timing

- Disclosure to CMS must be completed within 60 days of the end of each plan year.
- Online form is used – [click here to access form](#)

Women's Health & Cancer Rights Act Notice (WHCRA)

Description

This notice states that the Plan provides the following benefits in connection with a covered mastectomy:

1. Reconstruction of the breast on which the mastectomy was performed.
2. Surgery and reconstructions of the other breast to produce a symmetrical appearance.
3. Prosthesis and physical complications of all stages of the mastectomy including lymphedemas.

Timing

- Immediately upon enrollment in the plan.
- Once annually.

Children's Health Insurance Program (CHIP or CHIPRA) Notice

Description

An employer (as opposed to the Group Health Plan) must inform employees of possible premium assistance opportunities under the Children's Health Insurance Program (CHIP) that may be available in the state they reside.

Timing

- Should be provided to all new hires.
- Must be provided annually to all employees regardless of enrollment status.

Initial (or General) COBRA Notice

Description

Provides notice of the right to purchase temporary extension of group health coverage when coverage is lost due to a qualifying event.

Timing

- Must be mailed to the known home address of the employee and dependents at time of enrollment.

HIPAA Privacy Notice

Description

Notifies participants and beneficiaries (dependents) of the Group Health Plan's usage of PHI (Protected Health Information), the plan's procedures and policies to ensure confidentiality of PHI and the participant's rights under HIPAA Privacy.

Note: Protected Health Information is any personally identifiable information regarding a persons past or present health status or provision of coverage.

Timing

- Must be mailed to the known home address of the employee and dependents at time of enrollment.
- Once annually.
- *Suggestion: Keep a copy of the completed version on file in case it is requested.*

Notice Timelines



Description	Upon Hire	At or Prior to Enrollment	After Enrollment	Annual
Notice of Exchange	✓			
Special Enrollment Rights Notice		✓		
Medicare Part D Creditable Coverage Notice		✓	✓*	✓
WHCRA Notice			✓	✓
CHIP (or CHIPRA) Notice			✓	✓
Initial COBRA Notice			✓	
HIPAA Privacy Notice			✓	✓**

**Prior to the person first becoming eligible for Medicare.*

***Once every three years –we send a short notice of availability of the HIPAA Privacy Notice annually.*

Other Required Disclosures



- **COBRA Notices:**
 - Initial Notice
 - Election Notice
 - Employer Qualifying Event Notice *to Plan Administrator*
 - Notice of Unavailability of COBRA
 - Notice of Premium Shortfall
 - Notice of Termination of COBRA
 - SBCs, SPDs, Material Modifications and Open Enrollment Materials

Other Required Disclosures



Description	Timing
Summary Plan Description (SPD)	90 days from first date of coverage.
Summary of Benefits and Coverage (SBCs)	<ul style="list-style-type: none">• With initial enrollment materials.• 60 days prior to Material Modification.• First day of annual open enrollment.• Upon request.
Summary Annual Reports	To all participants within 30 days of Form 5500 filing.
W-2 Cost of Coverage Reporting	By January 31 st following the end of each tax year (Groups filing more than 250 W-2s in prior year).
6055 and 6056 Reporting (1094 and 1095 B & C reporting)	<ul style="list-style-type: none">• By January 31st following the end of each tax year.• Reporting to IRS due by end of February (paper filers) and March 31st (electronic filers).