

## Private Sector Employer Sponsored Health & Welfare Plans: **Sample Notices and Disclosures**

<p><b>Notice</b></p> <p><b>Distribute: Annually</b></p>	<p><b>Children’s Health Insurance Program (CHIP) Notice</b></p> <p><b>Plans Covered:</b> Group health plans with participants or beneficiaries residing in one or more states that provide medical assistance under either a state Medicaid plan or child health assistance under a state child health insurance program in the form of premium assistance for the purchase of coverage under a group health plan.</p> <p><b>Distribution Requirement:</b> The notice required by Children’s Health Insurance Program Reauthorization Act must be sent on an annual basis, free of charge, to all employees of an employer, regardless of whether the employee participates in the plan. The notice must be provided as a separate document but can be furnished along with other plan materials, such as in an open enrollment packet or Summary Plan Description (SPD), provided that the materials are provided to all employees entitled to receive the Employer CHIP Notice.</p>
<p><b>Notice</b></p> <p><b>Distribute: Annually</b></p>	<p><b>Women’s Health and Cancer Rights Act Notice</b></p> <p><b>Plans Covered:</b> All group health plans subject to HIPAA (except for governmental plans electing to opt-out).</p> <p><b>Distribution Requirement:</b> The notice must be distributed to participants and may be furnished by itself or provided in an SPD, if the plan distributes SPDs annually. A separate notice must be distributed to a beneficiary (e.g., a spouse) whose last-known address is different from the last-known address of the participant.</p>
<p><b>Notice</b></p> <p><b>Distribute: Before October 15 and upon certain other events</b></p>	<p><b>Medicare Part D Creditable Coverage Notice</b></p> <p><b>Plans Covered:</b> All plans offering prescription drug coverage to Part D eligible individuals.</p> <p><b>Distribution Requirement:</b> The notices must be provided to Part D eligible individuals (although many employers take the cautious approach and distribute to all plan participants). The notices may be provided separately or with other plan participant materials if (1) they are provided prominently with other plan participant information materials that the sponsor is required to provide; (2) they are conspicuous; and (3) they include the content information prescribed by CMS. A separate disclosure notice must be provided if the employer knows that any spouse or dependent who is Part D eligible resides at a different address than where the participant/policy holder materials were mailed.</p>

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<p><b>Notice</b></p> <p><b>Distribute:</b> Upon or before receipt of reimbursement</p>	<p><b>Early Retiree Reinsurance Program</b></p> <p><b>Plans Covered:</b> Plan Sponsors participating in the Early Retiree Reinsurance Program.</p> <p><b>Distribution Requirement:</b> The written notice must be delivered to all individuals who are plan participants, including enrolled spouses, surviving spouses, and dependents (not just early retirees) within a reasonable time after the sponsor receives its first ERRP reimbursement. Sponsors may include the notice with other plan materials delivered to plan participants or distribute the notice electronically to plan participants who are actively working (following ERISA delivery methods). The sponsor generally may deliver one notice per family, as long as the notice is addressed to all plan participants who are family members.</p>
<p><b>Notice</b></p> <p><b>Distribute:</b> At least once every three years or 60 days after a material revision</p>	<p><b>HIPAA: Notice of Privacy Practices</b></p> <p><b>Plans Covered:</b> All group health plans that are HIPAA Covered Entities.</p> <p><b>Distribution Requirement:</b> The notice of privacy practices must be individually delivered to individuals covered by the plan. The covered entity may include the privacy notice with other written materials that are mailed to the individuals (except that the notice may not be combined in a single document with an authorization). A plan sponsor may elect to include the notice with an SPD or with enrollment materials. The notice of privacy practices can be provided by email, if the recipient has agreed to receive an electronic notice and that agreement has not been withdrawn. Must be redistributed every three years.</p>
<p><b>Notice</b></p> <p><b>Distribute:</b> Whenever plan materials are provided</p>	<p><b>Patient Protections Disclosure Notice - PPACA</b></p> <p><b>Plans Covered:</b> Non-Grandfathered plans otherwise subject to the PPACA that require the designation of primary care providers, but not those considered “excepted benefits” under HIPAA, such as retiree-only medical plans, health flexible spending accounts and limited-scope dental or vision plans that require the designation of primary care providers.</p> <p><b>Distribution Requirement:</b> The notice must be included whenever a summary plan description or other similar description of benefits is provided to a participant.</p>

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<p><b>Disclosure</b></p>	<p><b>Grandfathered Status Disclosure - PPACA</b></p> <p><b>Plans Covered:</b> All group health plans claiming “grandfathered status” under the Patient Protection and Affordable Care Act (PPACA).</p> <p><b>Disclosure Requirement:</b> Include disclosure statement in all plan materials distributed to participants describing benefits provided under the plan (including the SPD, insurance certificate, and any other written materials describing plan benefits).</p>
<p><b>Disclosure</b></p>	<p><b>HIPAA: Preexisting Condition Exclusion General Notice</b></p> <p><b>Plans Covered:</b> All group health plans subject to HIPAA’s Portability requirements. Note: Effective for plan years beginning on or after September 23, 2010, Preexisting Condition Exclusions for enrollees under age 19 are prohibited.</p> <p><b>Disclosure Requirement:</b> Include in SPD. If SPD not provided at enrollment, include in enrollment materials.</p>
<p><b>Disclosure</b></p>	<p><b>HIPAA: Special Enrollment Rights Notice</b></p> <p><b>Plans Covered:</b> All group health plans subject to HIPAA’s portability requirements.</p> <p><b>Disclosure Requirement:</b> Include in SPD. If SPD not provided at enrollment, include in enrollment materials</p>
<p><b>Disclosure</b></p>	<p><b>Newborn’s and Mother’s Health Protection Act Disclosure Notice</b></p> <p><b>Plans Covered:</b> All group health plans subject to HIPAA (except for governmental plans electing to opt-out).</p> <p><b>Disclosure Requirement:</b> Include in SPD. If SPD not provided at enrollment, include in enrollment materials.</p>
<p><b>Disclosure (Poster)</b></p>	<p><b>USERRA Rights Notice (Poster)</b></p> <p><b>Plans Covered:</b> All public and private employers, regardless of size.</p> <p><b>Disclosure Requirement:</b> Disclose to employees in a way that ensures the full text of the notice is provided: Hand deliver, mail, send via electronic delivery or include in Summary Plan Description (SPD). Employers may also satisfy the USERRA notice requirement by using a poster.</p>

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<p><b>Disclosure</b></p>	<p><b>Qualified Medical Child Support Order Notice</b></p> <p><b>Plans Covered:</b> All group health plans subject to ERISA and church plans (under parallel provisions included in the Child Support Performance and Incentive Act of 1998).</p> <p><b>Disclosure Requirement:</b> Include in SPD or include a statement that participants and beneficiaries may obtain a copy of a group health plan's QMCSO procedures from the plan administrator, free of charge.</p>
<p><b>Disclosure</b></p>	<p><b>Women's Health and Cancer Rights Act Disclosure</b></p> <p><b>Plans Covered:</b> All group health plans subject to HIPAA (except for governmental plans electing to opt-out).</p> <p><b>Disclosure Requirement:</b> Include in SPD. If SPD not provided at enrollment, include in enrollment materials.</p>
<p><b>Disclosure</b></p>	<p><b>Wellness Incentive Disclosure</b></p> <p><b>Plans Covered:</b> All group health plans subject to HIPAA's nondiscrimination provisions offering a standard-based wellness program requiring an individual to satisfy a standard related to a health factor.</p> <p><b>Disclosure Requirement:</b> Include in SPD. If SPD not provided at enrollment, include in enrollment materials.</p>

Please Note: This list is not all-inclusive of your legal obligations when sponsoring a group health plan, and the samples and model language provided in this section are for illustrative purposes only. These provisions are not legal advice. It is strongly recommended that you seek the advice of legal counsel prior to adopting any document for purposes of satisfying a statutory or regulatory reporting or disclosure requirement.