

# Summary of Notices & Disclosures

## TIMING: WHEN ELIGIBLE

These notices and disclosures are typically provided to employees on or before the date they are eligible to enroll.

**Often included in enrollment materials.**

This requirement may also be satisfied by including the information in the Summary Plan Description ONLY if given to all eligible employees.

PLAN	NOTICE/DISCLOSURE	REQUIREMENTS	ALSO INCLUDE IN	
			SPD	SBC
Self-Insured Plan	Summary of Benefits & Coverage (SBC)	<p>The plan administrator (generally, the employer) is responsible for creating and furnishing the SBC to participants. Please note that other notices/disclosures in this summary below may have to be included in the SBC as indicated by the column on the right.</p> <p>The SBC must be provided to all eligible employees on the first date an employee is eligible to enroll.</p> <p><b>Electronic Distribution:</b> A safe harbor specifically for SBCs allows the SBC to be provided electronically to participants and beneficiaries in connection with their online enrollment or renewal of coverage. If online enrollment is not available, the SBC may be provided electronically according to the DOL safe harbor for participants covered under the plan. For participants and beneficiaries who are eligible but not enrolled, the SBC may be provided electronically if the format is readily accessible, which includes an Internet posting if the individuals are notified in paper form (such as a postcard) or via email that the documents are available on the Internet. Special rules may apply for non-federal governmental plans.</p> <p><b>Other Disclosure Requirements:</b> Unless the plan or issuer has knowledge of a separate address for a beneficiary, the SBC may be provided to the participant on behalf of the beneficiary, including when the SBC is distributed electronically. A notice or new SBC must be provided when there is a change to the SBC during the plan year.</p>	No	N/A

## TIMING: WHEN ELIGIBLE (CONTINUED)

PLAN	NOTICE/DISCLOSURE	REQUIREMENTS	ALSO INCLUDE IN	
			SPD	SBC
<b>Fully-insured Plan</b>	Summary of Benefits & Coverage (SBC)	<p>The insurer is responsible for creating the SBC and is jointly responsible with the plan administrator (generally, the employer) for furnishing the SPD to participants.</p> <p><b>Electronic Distribution:</b> See Self-Insured Plan (Page 1)</p> <p><b>Other Disclosure Requirements:</b> See Self-Insured Plan (Page 1)</p>	See other disclosure requirements	N/A
<b>All Plans</b>	Special Enrollment Rights	<p>Plans must provide a notice to eligible enrollees of their HIPAA special enrollment rights on or before the date the individuals are offered the opportunity to enroll in the plan.</p> <p><b>Electronic Distribution:</b> Email and other Internet-based methods that comply with the DOL safe harbor can be used.</p> <p><b>Other Disclosure Requirements:</b> Also include the content of the notice of special enrollment rights in the plan SPD because it explains important information about the participants' and beneficiaries' right to benefits and when that right may be lost.</p>	No	No
<b>Grandfathered Plans</b>	Grandfathered Status	<p>All group health plans claiming "grandfathered status" under the ACA must disclose this status to participants. The disclosure must be included with any material, including enrollment material, that describes benefits under the plan. Non-Grandfathered plans do not have to disclose their status.</p> <p><b>Electronic Distribution:</b> Follow the guidelines for the SBC.</p> <p><b>Other Disclosure Requirements:</b> Because the SPD and SBC describe benefits under the plan, a plan must disclose its grandfathered status in both documents.</p>	Yes	Yes
<b>Non-Grandfathered Plans that require a designation of a PCP</b>	Patient Protections	<p>Non-Grandfathered plans that require the designation of a primary care provider (PCP) must provide information relative to a participant's rights under the ACA when choosing a PCP. The information must be included with any material, including enrollment material, that describes benefits under the plan.</p> <p><b>Electronic Distribution:</b> Follow the guidelines for the SBC.</p> <p><b>Other Disclosure Requirements:</b> Because the SPD and SBC describe benefits under the plan, a plan must disclose a participant's rights under the ACA when choosing a PCP in both documents.</p>	Yes	Yes

## TIMING: WHEN ELIGIBLE (CONTINUED)

PLAN	NOTICE/DISCLOSURE	REQUIREMENTS	ALSO INCLUDE IN	
			SPD	SBC
<p><b>Plans that accept dependents beyond age 26 if full-time students</b></p>	Michelle's Law	<p>The health plan must inform students over the age of 26 of their right to continued coverage during medically necessary leaves of absence. Currently, no guidance has been provided regarding the form or delivery of the Michelle's law notice; however, general DOL distribution guidelines require that material be furnished in a way that is reasonably calculated to ensure delivery. In practice, this will not apply to plans that do not exceed the age-26 dependent mandate under the ACA. In addition, plans sponsored by self-funded, nonfederal governmental employers may elect to opt-out of this provision.</p> <p><b>Electronic Distribution:</b> Currently, no guidance has been provided regarding the form or delivery of the Michelle's law notice. Presumably, email and other Internet-based methods that comply with the DOL safe harbor can be used.</p> <p><b>Other Disclosure Requirements:</b> This information must also be included in the SPD and included with any notice of a requirement for certification of student status.</p>	Yes	No
<p><b>Plans with Wellness Programs that offer a standard-based incentive</b></p>	Wellness Incentive Disclosure (HIPAA Requirements)	<p>The plan must disclose the availability of a waiver or alternative standard to receive a standard-based wellness incentive. If the enrollment materials include information on the standard-based wellness incentive, it should also include information about the availability of a waiver or alternative.</p> <p><b>Electronic Distribution:</b> Email and other Internet-based methods that comply with the DOL safe harbor can be used.</p> <p><b>Other Disclosure Requirements:</b> A notice of the availability of a waiver or alternative standard must be included in all plan materials, including the SPD, that describe the standard-based wellness incentive.</p>	If Applicable	No
<p><b>Plans with Health Programs that include screenings and/or disability-related questions</b></p>	Notice (EEOC Requirements)	<p>The employer must provide a notice clearly explaining what medical information will be obtained, how the medical information will be used, who will receive the medical information, the restrictions on its disclosure, and the methods the covered entity uses to prevent improper disclosure of medical information. The proposed rule, published on April 20, 2015, does not provide any details on how or when this notice is to be given.</p> <p><b>Electronic Distribution:</b> The proposed rule, published on April 20, 2015, does not provide any details on how or when this notice is to be given.</p>	Not Applicable (until further guidance)	No

# TIMING: UPON ENROLLMENT

These notices and disclosures are typically provided to employee participants and/or beneficiaries **when they enroll** in the health plan.

**Often included in Summary Plan Description (SPD).** The SPD has specific distribution requirements not listed below.

**Summary Plan Description Distribution Requirements:** SPD must be provided to participants within 90 days of coverage. An updated SPD must be furnished every 5 years if the plan is amended or every 10 years if it is not. A notice or new SPD must be provided when there is a material change to the plan. Email and other Internet-based methods that comply with the DOL safe harbor can be used to distribute the SPD electronically.

PLAN	NOTICE/DISCLOSURE	REQUIREMENTS	ALSO INCLUDE IN	
			ENROLLMENT MATERIALS	SBC
All Plans	Newborn's & Mother's Health Protection Act (NMHPA)	Group health plans subject to HIPAA must disclose a mother's and newborn's rights after childbirth. Plans sponsored by self-funded, nonfederal governmental employers may elect to opt-out of this provision.  <b>Electronic Distribution:</b> Email and other Internet-based methods that comply with the DOL safe harbor can be used.	No	No
All Plans	Women's Health & Cancer Rights Act (WHCRA)	Group health plans subject to HIPAA must disclose a women's rights after a mastectomy. Plans sponsored by self-funded, nonfederal governmental employers may elect to opt-out of this provision.  <b>Electronic Distribution:</b> Email and other Internet-based methods that comply with the DOL safe harbor can be used.  <b>Other Disclosure Requirements:</b> In addition to disclosure in the SPD, participants must be given an annual notice.	No	No

## TIMING: UPON ENROLLMENT (CONTINUED)

PLAN	NOTICE/DISCLOSURE	REQUIREMENTS	ALSO INCLUDE IN	
			ENROLLMENT MATERIALS	SBC
<b>All Plans</b>	Special Enrollment Rights	<p>The Special Enrollment Rights disclosure explains important information about the participants' and beneficiaries' right to benefits and when that right may be lost.</p> <p><b>Electronic Distribution:</b> Email and other Internet-based methods that comply with the DOL safe harbor can be used.</p> <p><b>Other Disclosure Requirements:</b> In addition to disclosure in the SPD, group health plans must provide a notice to eligible enrollees of their HIPAA special enrollment rights on or before the date the individuals are offered the opportunity to enroll in the plan. This is often included in enrollment materials.</p>	Yes	No
<b>All Plans</b>	Qualified Medical Child Support Order (QMCSO)	<p>The plan must disclose its procedures for determining whether a Medical Child Support Order is qualified or a statement indicating how a participant may obtain a copy of the procedures. A National Medical Support Notice (NMSN) might also be considered a QMCSO.</p> <p><b>Electronic Distribution:</b> Electronic distribution is allowed, but not recommended due to the consent and notice requirements for individuals who do not have access to an employer's system (such as alternate recipients). Privacy issues are also a concern with electronic distribution.</p> <p><b>Other Disclosure Requirements:</b> After receiving a medical child support order, plans must respond with letters to the participant and alternate recipients notifying them of the receipt of a medical support order and whether an order has been determined to be a QMCSO.</p>	No	No
<b>All Plans</b>	Uniformed Services Employment and Reemployment Act (USERRA)	<p>The plan must disclose information on eligibility for group health plan benefits during a leave taken under USERRA and restoration of benefits upon return from USERRA leave.</p> <p><b>Electronic Distribution:</b> Email and other Internet-based methods that comply with the DOL safe harbor can be used.</p> <p><b>Other Disclosure Requirements:</b> This requirement is often met by placing a notice or poster (where other employee notices are customarily placed) that describes an employee's rights under USERRA. A continuation notice form may be required after the employer learns that an employee has been called to duty (this is often combined with the COBRA Election Notice-if applicable).</p>	No	No
<b>Plans subject to COBRA</b> (Which employers/plans are subject to COBRA-link)	Initial (General) Notice	<p>The plan must disclose COBRA rights to participants and covered spouses. The SPD should include COBRA continuation of coverage rights and requirements.</p> <p><b>Electronic Distribution:</b> Electronic distribution is allowed, but not recommended due to the consent and notice requirements for individuals who do not have access to an employer's system (such as covered spouses).</p> <p><b>Other Disclosure Requirements:</b> Because the plan must disclose COBRA right to participants AND covered spouses, the COBRA General Notice is often also mailed to the participant's home address. Additional notices are required when a participant or beneficiary experiences a qualifying event.</p>	Optional if provided to employee & spouse	No

## TIMING: UPON ENROLLMENT (CONTINUED)

PLAN	NOTICE/DISCLOSURE	REQUIREMENTS	ALSO INCLUDE IN	
			ENROLLMENT MATERIALS	SBC
<b>Grandfathered Plans</b>	Grandfathered Status	<p>All group health plans claiming “grandfathered status” under the ACA must disclose this in all plan materials distributed to participants describing benefits under the plan. A Non-Grandfathered plan does not have to disclose its status.</p> <p><b>Electronic Distribution:</b> Follow the guidelines for the SBC.</p> <p><b>Other Disclosure Requirements:</b> A plan’s grandfathered status should also be disclosed in the SBC. In addition, it should be included in any materials, including enrollment materials, that describe benefits under the plan.</p>	Yes	Yes
<b>Non-Grandfathered Plans that require designation of a PCP</b>	Patient Protection	<p>Non-Grandfathered plans that require the designation of a primary care provider (PCP) must provide information relative to a participant’s rights under the ACA. The plan’s SPD should describe a participant’s rights when choosing a PCP.</p> <p><b>Electronic Distribution:</b> Follow the guidelines for the SBC.</p> <p><b>Other Disclosure Requirements:</b> A participant’s rights under the ACA relative to selection of a PCP should also be disclosed in the SBC. In addition, it should be included in any materials, including enrollment materials, that describe benefits under the plan.</p>	Yes	Yes
<b>Plans that accept dependents beyond age 26 if full-time students</b>	Michelle’s Law	<p>The plan must inform students over the age of 26 their right to continued coverage during medically necessary leaves of absence. Currently, no guidance has been provided regarding the form or delivery of the Michelle’s law notice. General DOL distribution guidelines require that material be furnished in a way that is reasonably calculated to ensure delivery. In practice, this will not apply to plans that do not exceed the age-26 dependent mandate under the ACA. In addition, plans sponsored by self-funded, nonfederal governmental employers may elect to opt-out of this provision.</p> <p><b>Electronic Distribution:</b> Currently, no guidance has been provided regarding the form or delivery of the Michelle’s law notice. General DOL distribution guidelines require that material be furnished in a way that is reasonably calculated to ensure delivery.</p> <p><b>Other Disclosure Requirements:</b> This information should also be included in enrollment materials and included with any notice of a requirement for certification of student status.</p>	Yes	No
<b>Plans with Health Programs that include screenings and/or disability-related questions</b>	Notice (EEOC Requirements)	<p>The employer must provide a notice clearly explaining what medical information will be obtained, how the medical information will be used, who will receive the medical information, the restrictions on its disclosure, and the methods the covered entity uses to prevent improper disclosure of medical information. The proposed rule, published on April 20, 2015, does not provide any details on how or when this notice is to be given.</p> <p><b>Electronic Distribution:</b> The proposed rule, published on April 20, 2015, does not provide any details on how or when this notice is to be given.</p>	Not Applicable (until further guidance)	No



# TIMING: ANNUALLY

These notices and disclosures are typically provided to employee participants and/or beneficiaries on an annual basis. Generally, the notices can be provided at any time during the year unless specified below.

**Note:** If an employee’s employment date occurs after the distribution of an annual notice, the employee should be given the notice upon enrollment.

PLAN	NOTICE/DISCLOSURE	REQUIREMENTS	ALSO INCLUDE IN	
			SPD	SBC
All Plans	Children’s Health Insurance Program (CHIP)	<p>The Children’s Health Insurance Program Reauthorization Act (CHIPRA) requires plans to notify participants or beneficiaries (employees, dependents, COBRA qualified beneficiaries, etc.) residing in states that provide a premium assistance subsidy under Medicaid or CHIP. Because an employer may not always be aware of what states provide this assistance and where all employees and their beneficiaries reside, many employers take the cautious approach and provide the notice to all employees.</p> <p><b>Distribution Requirement:</b> Distribute annually to all employees who meet the criteria described above, not just those who are eligible or enrolled in the health plan.</p> <p><b>Electronic Distribution:</b> Email and other Internet-based methods that comply with the DOL safe harbor can be used.</p>	No	No

## TIMING: ANNUALLY (CONTINUED)

PLAN	NOTICE/DISCLOSURE	REQUIREMENTS	INCLUDE IN SPD	INCLUDE IN SBC
<p><b>All Plans</b></p>	<p>Medicare Creditable Coverage Notice</p>	<p>Plans must notify Medicare Part D eligible participants of whether the employer sponsored prescription drug benefit provides creditable coverage. Because an employer may not always be aware of which employee participants and their beneficiaries are (or will be) eligible for Medicare Part D, many employers take the cautious approach and provide the notice to all employees.</p> <p><b>Distribution Requirement:</b> Distribute annually to employee participants who meet the criteria described above. 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. The notices must be provided on or before <b>October 15</b> of each year and following any changes in creditable coverage status.</p> <p><b>Electronic Distribution:</b> Electronic distribution is allowed, but CMS prefers using paper documents because Part D eligible individuals are more likely to receive and understand them.</p>	<p>Optional</p>	<p>No</p>
<p><b>All Plans</b></p>	<p>Women's Health &amp; Cancer Rights Act (WHCRA)</p>	<p>Plans must notify participants of the protections available for individuals who elect breast reconstruction in connection with a mastectomy.</p> <p><b>Distribution Requirement:</b> Distribute annually to employees participating in the plan. Please note that there is an additional disclosure required under WHCRA that is typically included in the SPD.</p> <p><b>Electronic Distribution:</b> Email and other Internet-based methods that comply with the DOL safe harbor can be used.</p>	<p>See Distribution Requirement</p>	<p>No</p>
<p><b>All plans that file a Form 5500</b> (But excluding Large Unfunded Welfare Plans)</p>	<p>Summary Annual Report (SAR)</p>	<p>The plan must provide to employee participants a narrative summary of the financial information contained on the Form 5500.</p> <p><b>Electronic Distribution:</b> Email and other Internet-based methods that comply with the DOL safe harbor can be used.</p> <p><b>Distribution Requirement:</b> Distribute to employees participating in the plan within 9 months of the close of the plan year or 2 months after the due date for filing the Form 5500.</p>	<p>No</p>	<p>No</p>





# TIMING: EVENT-BASED

These notices and disclosures are typically provided to employee participants and/or beneficiaries upon the occurrence of certain events.

PLAN	NOTICE/DISCLOSURE	REQUIREMENTS	TRIGGERING EVENT
All Plans	Notice to Employees of Coverage Options (Exchange Notice)	<p>Employers subject to the Fair Labor Standards Act must provide notice to employees of their coverage options, including options available in the Health Insurance Marketplace.</p> <p><b>Distribution Requirement:</b> Distribute to all full-time and part-time employees, regardless of plan enrollment status, within 14 days of an employee's start date.</p> <p><b>Electronic Distribution:</b> Email and other Internet-based methods that comply with the DOL safe harbor can be used.</p>	New Hire
All Plans	Summary of Material Modifications	<p>A plan must provide written notice to participants if there is a material modification during the plan or policy year that would affect the content of material required to be included in the SPD. Please note: if the material modification affects the SBC, providing the Notice of Modifications to SBC will also satisfy this notice requirement.</p> <p><b>Distribution Requirement:</b> Provide to participants no later than 210 days after the end of the plan year in which the change was adopted. If the change was a material reduction in benefits or services, provide to participants within 60 days of adoption of the material reduction. The plan can also send an updated SPD to satisfy this requirement.</p> <p><b>Electronic Distribution:</b> Email and other Internet-based methods that comply with the DOL safe harbor can be used.</p>	Modification to SPD

## TIMING: EVENTS-BASED (CONTINUED)

PLAN	NOTICE/DISCLOSURE	REQUIREMENTS	TRIGGERING EVENT
<p><b>Self-Funded Plans</b></p>	<p>Notice of Modification to SBC</p>	<p>A plan must provide written notice to participants if it makes a material modification during the plan or policy year that would affect the content of material required to be included in the SBC. Please note: Providing this notice will also satisfy the Summary of Material Modifications notice requirement for a change to the SPD.</p> <p><b>Distribution Requirement:</b> The notice must be provided to enrollees no later than 60 days prior to the date on which the change will become effective. The plan can also send an updated SBC to satisfy this requirement. Please note that for fully insured plans, the insurer is jointly responsible with the plan administrator (generally, the employer) for furnishing the SBC to participants.</p> <p><b>Electronic Distribution:</b> Follow the guidelines for the SBC.</p>	<p>Modification to SBC</p>
<p><b>Plans with access to PHI</b> (All self-insured plans if the employer can get PHI, e.g. EOBs)</p>	<p>HIPAA Notice of Privacy Practices</p>	<p>A covered entity must provide to individuals a notice of the plan's privacy practices upon enrollment. The plan must notify individuals then covered by the plan of the availability of and how to obtain the notice at least once every three years after the last distribution or notification.</p> <p><b>Distribution Requirement:</b> 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). In addition to distributing the notice, if the covered entity maintains a website that contains information about the covered entity's customer services or benefits, the covered entity must post its notice of privacy practices on the website and must make the notice available electronically through the website.</p> <p><b>Electronic Distribution:</b> Email and other Internet-based methods that comply with the DOL safe harbor can be used.</p>	<p>Three year anniversary since the last notice or Change in the notice</p>
<p><b>Plans that accept dependents beyond age 26 if full-time students</b></p>	<p>Michelle's Law</p>	<p>The health plan must inform students over the age of 26 the terms of continued coverage during medically necessary leaves of absence. In practice, this will not apply to plans that do not exceed the age-26 dependent mandate under the ACA.</p> <p><b>Distribution Requirement:</b> The health plan must include the Michelle's Law notice with any notice of a requirement for certification of student status. Currently, no guidance has been provided regarding the form or delivery of the Michelle's law notice. As a practical matter, the Michelle's law notice should be distributed in the same manner as the Requirement of Student Certification. This information should also be included in the SPD and enrollment materials.</p> <p><b>Electronic Distribution:</b> Currently, no guidance has been provided regarding the form or delivery of the Michelle's law notice. As a practical matter, the Michelle's law notice should be distributed in the same manner as the Requirement of Student Certification. Presumably, email and other Internet-based methods that comply with the DOL safe harbor can be used.</p>	<p>Requirement of Student Certification</p>

## TIMING: EVENTS-BASED (CONTINUED)

PLAN	NOTICE/DISCLOSURE	REQUIREMENTS	TRIGGERING EVENT
<p><b>Plans subject to COBRA</b></p>	<p>Election Notice</p>	<p>The plan administrator must provide a notice to qualified beneficiaries that describes their rights to continuation coverage and how to make an election.</p> <p><b>Other Disclosure Requirements:</b> Provide within 14 days after the plan administrator receives the notice of a qualifying event (or 44 days after notice of a qualifying event if the employer is also the plan administrator and the qualifying event is a termination or reduction of hours of employment, the employee's death, or the employee's becoming entitled to Medicare). The plan may also have to provide an Unavailability of Continuation Coverage Notice and a Termination Notice if and when applicable.</p> <p><b>Electronic Distribution:</b> Electronic distribution is allowed, but not recommended due to the consent and notice requirements for individuals who do not have access to an employer's system (such as covered spouses or beneficiaries).</p>	<p>Notification of a Qualifying Event</p>