



STANDARD ANNUAL NOTIFICATIONS SUMMARY

Children’s Health Insurance Program Reauthorization Act (“CHIPRA”) Notice. The purpose of this notice is to provide employees with information concerning the potential opportunities for premium assistance for themselves and their families in the state where they reside. While Ohio is not a state which offers premium assistance subsidies, you may have an employee with a dependent residing in a state which does offer premium assistance subsidies. For that reason, all benefit-eligible employees should be provided this notice to ensure compliance with CHIPRA requirements. The notice must be provided annually. The Department of Labor (DOL) issued a model notice for employers sponsoring group health plans to assist in their compliance. Here is a link to the government’s model notice: [Children's Health Insurance Program Reauthorization Act \("CHIPRA"\) Notice](#)

Summary of Benefits and Coverage (“SBC”). The purpose of the Summary of Benefits and Coverage (SBC) is to provide a description of the plan in clear language and in a consistent format. This makes plan information easier for eligible employees to understand as they compare and make decisions regarding which plan option to select. The SBC should be included with enrollment materials provided during annual open enrollment. Keep in mind that the SBC must also be distributed at other times, such as within seven (7) business days of a participant’s request, to new hires at the time written application materials for enrollment are distributed, and to special enrollees within ninety (90) days of enrollment. But for purposes of this notice reminder, we are focusing on the annual notice requirements.

Medicare Part D. The purpose of the Medicare Part D notice is to inform participants who are eligible for Medicare of whether their prescription drug coverage is “creditable coverage”, which means that the plan’s coverage is expected to pay on average as much as the standard Medicare prescription drug coverage. While employers usually know whether an employee is eligible for Medicare, employers often do not have this information regarding dependents. As a result, providing the notice to all employees who are eligible to participate in the plan ensures compliance. This notice must be provided at least annually. Here is a link to the government’s model notices for potential participants: [Notice to employees](#).

Additionally, as part of the disclosure requirements under Medicare Part D, employer-sponsored group health plans that offer prescription drug coverage to Part D-eligible individuals are required to submit an electronic disclosure notice to the Centers for Medicare & Medicaid Services (CMS) on an annual basis, reporting whether that coverage is creditable or non-creditable. A plan sponsor must submit a new disclosure to CMS no later than sixty (60) days after the beginning of each plan year. CMS must be notified regarding the coverage offered and whether it is creditable or non-creditable. Here is a link to CMS’s webpage for providing: [Notice to Government](#)

Women’s Health and Cancer Rights Act (WHCRA). Each year, plan participants must receive notice regarding coverage for mastectomy-related services and breast reconstructive services. Notice can be included within the SPD, but if the SPD is not reissued each year, then a separate notice should be included in the plan’s annual enrollment materials. Here is a link to where you can download a pdf of this notice: [Women’s Health and Cancer Rights Act \(WHCRA\)](#)

THE FOLLOWING NOTICES DO NOT ALWAYS APPLY. PLEASE READ THE SUMMARIES BELOW TO DETERMINE IF THEY ARE APPLICABLE TO YOUR GROUP.

Special Enrollment Notice. Group health plans must inform all employees who are *newly eligible* to participate in the plan of their HIPAA Special Enrollment rights. The Special Enrollment Rights Notice should be provided at or before the time an employee is *initially offered the opportunity to enroll* in a group health plan. For example, if you have variable hour employees who will be newly eligible for benefits, they should be provided this notice. Here is a link to where you can download a pdf of this notice: [Special Enrollment Notice](#)

Wellness Program Notice(s). Where a Wellness Program is in place, certain Wellness Program Notices may be required. Since most Wellness Programs run on the same timeframe as the policy year, Open Enrollment can be a good time to distribute Wellness Program Notice(s). Whether you need to distribute one, both, or neither notice will depend upon your particular type of Wellness Program. If you have any questions regarding whether you need to distribute a Wellness Program Notice (because not all groups need to), please contact your McGohan Brabender representative. The two types of Wellness Program Notices which may apply to your Wellness Program are:

1. **The HIPAA Wellness Program Notice.** This Wellness Program Notice applies to Health-Contingent Wellness Programs. Group health plans must include the HIPAA Wellness Program Notice within any materials which describe the terms of their Health-Contingent Wellness Program. The government has issued a template for this Notice, which can be found here: [Health-Contingent Wellness Program Notice](#). This notice paragraph can be added into the materials describing your particular Health-Contingent Wellness Program.
2. **EEOC Wellness Program Notice.** This Wellness Program Notice must be distributed if the wellness program involves a “disability-related inquiry or medical exam”. Common disability-related inquiries and medical exams include HRAs or Biometric Screenings. Where a disability-related inquiry or medical exam is part of your wellness program, employees must receive this notice before providing any health information, and with enough time to decide whether to participate in the program. If spouses are permitted to participate in the disability-related inquiry or medical exam, such a notice must be signed to authorize participation. The government’s sample template for this notice can be found here: [EEOC Wellness Program Notice](#)

