



Health Benefits Enrollment Notices

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COBRA Notifications

over 20 employees

- General notice of COBRA rights:
 - Provide written notice to employee and his/her spouse within 90 days of receiving coverage
 - Should be mailed to employee and spouse
- Election notice:
 - Provide when there is a qualifying event within 14 days of event
 - Model notice now includes discussion on Marketplace coverage options



HIPAA Notice of Privacy Practices

- Provide NPP when an individual enrolls in the plan
- Notice of availability to receive a copy must be given every three years
- HITECH changed HIPAA which requires additions to the NPP that state:
 - That the covered health plans are required to obtain plan participant's authorization to use/disclose psychotherapy notes, to use PHI for marketing purposes, or to use/disclose PHI for any purposes not described in the notice
 - Need to include a way to revoke authorization
 - That the plans are prohibited from using PHI that is genetic information for underwriting purposes
 - Inform plan participants of their right to receive a notice when there is a PHI breach
- Must be distributed within 60 days after the change to the notice



Special Enrollment Notice

- Certain special enrollments exist for employees that allow them to enroll in the plan outside of open enrollment
- Must describe special enrollment events and procedures of special enrollment
- On or before the employee is allowed to enroll in the group health plan



Women's Health and Cancer Rights Notice

- Statement for participants and beneficiaries who are receiving mastectomy-related benefits
- Should state coverage will be provided for:
 - All stages of reconstruction of affected breast
 - Surgery and reconstruction of other breast
 - Prosthesis
 - Treatments of physical complications
 - Description of applicable annual deductibles and co-insurance
- Must be given upon enrollment and then annually
 - Annual notice should describe how to obtain detailed benefit information



Summary of Benefits and Coverage

- Easy to understand summary of the health plan benefits and what is covered
- Standard format that all carriers have to use
- During open enrollment, should provide SBCs for each plan for which the employee is eligible
- At renewal, only need to provide the SBC of the plan the employee has been enrolled 30 days prior to renewal date unless they request SBCs for the other plans
- Must provide 60 days advance notice for any material modification if make a change off renewal



Summary Plan Description

- Describes the benefit and how it operates written in easily understandable language
- Must include specific information:
 - Eligibility to participate
 - How participant may access services
 - How benefits are calculated or provided
 - How to file a claim for benefits
- Any material changes must be communicated by revising the SPD or providing a separate Summary of Material Modifications



Statements in SPD

- Newborns and Mothers Health Protection Act
 - Language stating Federal (or State, if State has more restrictive benefit) benefits after childbirth
- COBRA general notice



Notice of Marketplace Content Requirements

When Hired in

Value of Coverage

- Basic Marketplace Information
 - Existence of marketplace
 - Services offered
 - Contact information
- Cost
 - State that the employee may be eligible for a tax credit if the employer plan is not affordable, minimum value coverage
- Consequences
 - If employee purchases insurance through the Marketplace, they may lose their employer premium contribution
 - Need to state if the employer and/or employee contribution is currently excluded from the employees income tax for federal and state purposes



Medicare Part D Notice

- If you provide prescription drug coverage, you must provide to Medicare eligible employees and their dependents
 - Provide to all employees since you may not know who is Medicare eligible due to disabilities
- Notice needs to state if coverage is creditable
 - Actuarially equivalent to the standard Medicare prescription drug benefit
- Easiest is to provide at open enrollment but if do not do this need to provide prior to October 15th



Genetic Information Nondiscrimination Act

- GINA prohibits discrimination based on genetic information when hiring, promoting, discharging, etc and prohibits employers from asking for genetic information
- Need to place a poster in a prominent location stating the employees rights



IRS Code 6056 Reporting Requirements

- All employers with 50 or more employees (or full time equivalents) must report to IRS and to full time employees
 - The value of the employer-sponsored insurance coverage
 - The cost of the coverage



Reporting Requirements Effective Date

- Statements to full-time employees (Form 1095-C) must be given by January 31st each year, reporting on the previous calendar year
 - Must give to every full-time employee even if they did not have the coverage
 - Must be sent to employee by mail unless individual affirmatively consents to receiving it electronically
- Reports to the IRS must be filed by February 28th (March 31st if electronically) each year, reporting on the previous calendar year
- First required report is early 2016
 - Effective for coverage offered in 2015
 - Can send voluntarily in 2015 for 2014 coverage



Model Notices

- *COBRA General Notice:*
www.dol.gov/ebsa/modelgeneralnotice.doc
- *COBRA Election Notice:*
www.dol.gov/ebsa/modelectionnotice.doc
- *Notice of Privacy Practices:*
<http://www.shrm.org/templatestools/samples/hrforms/pages/benefitshipanoticeofprivacypractices.aspx>



Model Notices

- *Medicare Part D Notice:*
 - *Creditable Coverage:* <http://www.cms.gov/Medicare/Prescription-Drug-Coverage/CreditableCoverage/Downloads/ModelCreditableCoverageDisclosureNotice051711.pdf>
 - *Non-Creditable Coverage:* <http://www.cms.gov/Medicare/Prescription-Drug-Coverage/CreditableCoverage/Downloads/ModelNonCreditableCoverageDisclosureNotice051711.pdf>
- *GINA Poster:*
http://www1.eeoc.gov/employers/upload/eeoc_self_print_poster.pdf



Questions

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