

## HEALTH INSURANCE NOTICE CHECKLIST

The Employee Retirement Income Security Act (ERISA), its many amendments (including COBRA and HIPAA), and the Patient Protection and Affordable Care Act (PPACA) contain numerous employee and plan participant notice requirements. The below list contains many of the basic federal notice requirements that nearly always apply to employers sponsoring health plans. It is important to note that this list is not intended to be all-inclusive, and there are numerous other notices required under special circumstances and by state law.

	Name of Notice	Party Responsible	Timing Requirements
<input type="checkbox"/>	Summary Plan Description (SPD)	Employer must create and distribute	Automatically to participants within 90 days of becoming covered by the health plan. Updated SPD must be furnished every 5 years if changes made to SPD information or plan is amended. Otherwise must be furnished every 10 years.
<input type="checkbox"/>	Summary of Material Modifications (SMM)	Employer must create and distribute	Automatically to participants not later than 210 days after the end of the plan year in which the change is adopted.
<input type="checkbox"/>	Summary Annual Report (SAR)	Employer must create and distribute	Automatically to participants within 9 months after end of plan year, or 2 months after due date for filing Form 5500 (with approved extension).
<input type="checkbox"/>	Explanation of Benefits (EOB)	Carrier, unless self-insured	Requirements vary depending on type of plan and type of benefit claim involved.
<input type="checkbox"/>	Official Plan Document	Employer must create and distribute	Copies must be furnished no later than 30 days after a written request.
<input type="checkbox"/>	Special Enrollment Rights Notices	Employer must create and distribute	At or before the time an employee is initially offered the opportunity to enroll in the group health plan.
<input type="checkbox"/>	Women's Health and Cancer Rights Act (WHCRA) Notice	Carrier or Employer – both parties share responsibility for this notice	Notice must be furnished upon enrollment and annually.
<input type="checkbox"/>	Notice of Patient Protections	Employer must create and distribute	Same as SPD. Usually this verbiage is included in the SPD.
<input type="checkbox"/>	Notice of Creditable/Non-Creditable Prescription Drug Coverage	Employer must create and distribute	On, or before, 10/15 each year.

<input type="checkbox"/>	Children's Health Insurance Program (CHIP) Notice	Employer must create and distribute – only required in certain states	Annually before the start of each plan year.
<input type="checkbox"/>	Mental Health Parity and Addiction Equity Act (MHPAEA) Notice	Health Insurance Carrier (unless self-insured)	Annually if the group health plan is claiming the increased cost exemption.
<input type="checkbox"/>	Newborns' and Mothers' Health Protection Act (NMHPA) Notice	Employer – usually verbiage in this regard is included in SPD	Same as SPD. Usually this verbiage is included in the SPD.
<input type="checkbox"/>	COBRA Initial Notice	Employer must create and distribute	When group health plan coverage commences.
<input type="checkbox"/>	COBRA Notice and Election Form	Employer must create and distribute	Within 44 days of the COBRA qualifying event. If outsourcing COBRA, the employer has 30 days to notify 3rd party and 3rd party has 14 days to provide the notice.
<input type="checkbox"/>	Summary of Benefits and Coverage	Carrier must create one for each plan it offers, employer must distribute one for each plan it offers	To all health-insurance eligible employees during open enrollment each year and to newly eligible employees during the plan year.
<input type="checkbox"/>	Exchange Notice	Employer must complete standard template	To all new employees within 14 days of hire date.
<input type="checkbox"/>	HIPAA Notice of Privacy Practices	Carrier, unless self-insured	The insurer must provide the Notice of Privacy Practices when a participant enrolls, upon request and within 60 days of a material revision to the notice. At least once every three years, participants must be notified about the availability of the Notice of Privacy Practices.
<input type="checkbox"/>	1095-C	Employer must complete and distribute	Annually, on or before 1/31.

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