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As if the fall season wasn't already busy enough for employee benefit departments with open enrollment preparation, here is a reminder about the employee notices that are fast approaching. There is the revision to the Notice of Privacy Practices as well as the newly added, Notice of Health Insurance Marketplace.

PPACA requires all employers covered by the federal Fair Labor Standards Act ("FLSA") to notify employees of the availability of health coverage on the exchanges. The DOL has created two model notices for employers, one for employers who do not offer a health plan and another for employers offering a health plan to some or all employees. There is a third page to the model notice. This page is not required and most employers are currently not opting to complete. An employer may elect to modify or make additions to the notice, as long as it satisfies the content requirements.

All employees (part-time and full-time), regardless of plan enrollment status, must be provided notice. However, no separate notice is required for dependents or other individuals who may become eligible but who are not employees. The Notice may be provided by first class mail, or electronically under the DOL's electronic disclosure safe harbor rules, which generally permit email or other electronic disclosure for employees who have computer access as a regular part of their job functions or consent to electronic disclosure.

There is also a revised COBRA notice to make qualified beneficiaries aware of coverage through the Health Insurance Marketplace, and to eliminate language on pre-existing condition exclusions (which are prohibited for all participants effective for plan years beginning on or after January 1, 2014). The new model notice can be found on the U.S. Department of Labor Web site, www.dol.gov.

With all of the attention focused on PPACA, it's easy to overlook the Final Rule regarding privacy and security standards under Health Insurance Portability and Accountability Act (HIPAA). A self-insured employer plan is required to provide a Notice of Privacy Practices to plan participants. This Notice must be revised and distributed to plan participants. If the Notice is posted on a website, the revised Notice must be posted by September 23, 2013. Otherwise, the Notice must be revised for distribution to new participants enrolling after September 23, 2013 and provided to current participants no later than November 22, 2013. The NPP must highlight:

- Disclosures of PHI that require authorization from the individual;
- Rights of affected individuals to be notified of a breach of unsecured PHI; and
- If the covered entity uses PHI for fundraising, the right to opt out of fundraising communications.

SPOTLIGHT

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As always, your Evolution Benefits Consulting Team is here to assist you. Please contact any member of your dedicated team if you would like additional information or support in preparing these.