



PROFESSIONAL GROUP PLANS
Specializing in Employee Benefit

OPEN ENROLLMENT NOTICES FOR GROUP HEALTH PLANS

Practical tips on open enrollment notices along with convenient links to sample notices and model language.



Contact Us With Any Questions

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Employers sponsoring group health plans must provide certain notices and disclosures to persons eligible for enrollment. Federal law requires providing various notices at different times, such as when the employee first becomes eligible, at each enrollment opportunity, and/or annually. For convenience and to reduce administrative costs, many employers choose to distribute various required notices with their annual open enrollment materials.

The chart below summarizes the health plan notices commonly distributed during open enrollment season. For sample notices and model language, click on the links.

Insured Health Plans: Plans provided through group insurance policies are subject to state insurance laws which may apply in addition to, or in place of, one or more of the federal notice requirements summarized below. In that case, the insurance carrier may prepare and distribute certain notices. Employers are advised to coordinate with the carrier to ensure that all requirements are met.

NOTICE	PURPOSE	MODEL LANGUAGE
Disclosure of Grandfathered Plan Status <i>For grandfathered health plans only.</i>	Discloses that the plan is grandfathered and may not include certain consumer protections that apply to other plans; provides contact information.	For model language, see Grandfathered Plan Notice .
Disclosure of HIPAA Opt-Out <i>For certain self-funded non-federal government plans only. (This is uncommon.)</i>	Discloses that the self-funded non-federal governmental plan has opted out of certain federal mandates, such as mental health parity.	For model language, see NFGP HIPAA Opt-Out Notice .
Employer CHIP Notice	Provides information about possible premium assistance for low-income families under a state's Medicaid or Children's Health Insurance Program (CHIP).	The current notice is available at CHIP Notice .
HIPAA Privacy Notice <i>For self-funded plans, or insured plans if the employer has access to protected health information.</i>	Describes ways that the plan may use and disclose individual protected health information, participant's rights, and the plan's duties to protect the information.	For model language, see Model Privacy Notices . Note: Notice is required at initial enrollment only. Thereafter, a reminder of notice's availability is required every three years.
Medicare Part D – Notice of Creditable (or Non-Creditable) Coverage	Informs Medicare-eligible persons as to whether the group health plan's prescription drug coverage is at least as good as (i.e., creditable) as Medicare Part D coverage.	For model notices and instructions, see Creditable Coverage Model Notice Letters and Creditable Coverage . Note: Distribute each year before October 15 (regardless of group health plan's open enrollment dates).

NOTICE	PURPOSE	MODEL LANGUAGE
Newborns' and Mothers' Health Protection Act Notice	Describes required plan benefits for maternity and newborn coverage.	For model language, see page 140 in the DOL Compliance Assistance Manual . Note: Separate distribution is not required if notice appears in plan's summary plan description (SPD).
Notice of Patient Protections <i>For non-grandfathered plans only.</i>	Describes the plan's patient protections, e.g., designation of primary care provider, OB/GYN care without prior authorization or referral.	For model language, see page 150 in the DOL Compliance Assistance Manual . Note: Separate distribution is not required if notice appears in plan's summary plan description (SPD).
Special Enrollment Rights Notice	Describes the plan's special enrollment rules for persons who become newly eligible (due to marriage, birth of child) or who lose coverage under another plan before the next annual enrollment period.	For model language, see page 138 in the DOL Compliance Assistance Manual .
Summary of Benefits and Coverage (SBC) and Uniform Glossary	Provides a short, easy-to-understand summary of the plan's benefits and coverage and a glossary of standard terms.	For templates and instructions for preparing the SBC, see the "for use on or after 04/01/17" section at Guidance on SBCs .
Wellness Program Disclosures <i>For certain wellness programs only.</i>	One or two notices may be required depending on the wellness program's features: <ul style="list-style-type: none"> ▪ HIPAA notice is required for a healthcontingent wellness program that is subject to the alternative standard rule. ▪ EEOC notice is required if the wellness program collects participant health information, e.g., health risk assessments, biometric screenings. 	For model language under HIPAA, see page 139 of the DOL Compliance Assistance Manual . For a sample EEOC notice, see EEOC Wellness Notice .
Women's Health and Cancer Rights Act Notice	Describes required plan benefits for mastectomy-related services.	For model language, see page 141 (enrollment notice) and page 142 (annual notice) in the DOL Compliance Assistance Manual . Note: The enrollment notice is required at initial enrollment only. In following years, either the enrollment notice or the annual notice can be used.

Legal Disclaimer: Information in this document is general in nature and not intended to replace legal advice in any particular manner.