

# Compliance Notices Distribution Guidelines

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This chart provides general distribution guidelines for key federal benefits notices. Please note that your company may be exempt from certain requirements and/or subject to additional obligations under federal or state law. Employers are encouraged to contact the U.S. Department of Labor or a knowledgeable employment law or benefits attorney for further guidance.

Notice	Provide To	When Due
ACA Section 1557 Nondiscrimination Notice & Taglines	Beneficiaries, enrollees, applicants, and members of the public that participate (or may participate) in certain health programs or activities that receive federal financial assistance	<p>Notices of nondiscrimination and taglines that alert individuals with limited English proficiency to the availability of language assistance services are generally required to be posted in: (1) significant publications and communications targeted to beneficiaries, enrollees, applicants, and members of the public; (2) conspicuous physical locations where an entity interacts with the public; and (3) a conspicuous location on the entity's website, accessible from the homepage of the site</p> <p><b>Note:</b> The content requirements are modified for small-sized significant communications (such as postcards).</p>
ADA Notice Regarding Wellness Program	All employees offered participation in a wellness program that collects employee health information	Must be provided before the employee provides any health information, with enough time for the employee to decide whether to participate in the program
Disclosure of Grandfathered Status	Group health plan participants & beneficiaries	In any plan materials for a grandfathered group health plan, provided to a participant or beneficiary, describing the benefits provided under the plan
Employer Children's Health Insurance Program (CHIP) Notice	All employees in states with group health plan premium assistance	Annually before the start of each plan year (may be provided with enrollment packets, open season materials, or the SPD).
General FMLA Notice	All employees	<p>Must be posted prominently where it can be readily seen by employees and applicants, even if no employees are eligible for FMLA leave</p> <p>The notice must also be provided to each eligible employee by including it in employee handbooks or other written guidance concerning employee benefits or leave rights (if such written materials exist), or by distributing a copy to each new employee upon hiring, but only if the employer has any FMLA-eligible employees</p>
General Notice of COBRA Rights	Covered employees & their spouses	<p>Within the first 90 days of coverage</p> <p><b>Note:</b> This requirement can be satisfied by including the general notice in a plan's SPD and giving the SPD to the employee and spouse within the first 90 days of coverage.</p>
Genetic Information Nondiscrimination Act (GINA) Disclosures	Entities from whom requests for health-related information are made	<p>A written notice is required whenever an applicant or employee is sent to a health care provider for a medical examination by an employer with 15 or more employees</p> <p>An additional "warning" is required when requests for health-related information are made by employers with 15 or more employees (e.g., to support an employee's request for reasonable accommodation or a request for sick leave), but only if the request for medical documentation is made in a way that is likely to result in receipt of genetic information</p>

Notice	Provide To	When Due
Health Insurance Exchange Notice	All new employees	Within 14 days of an employee's start date
Medicare Part D Creditable Coverage Disclosure Notice or Medicare Non-Creditable Coverage Disclosure Notice	Medicare-eligible individuals (including certain dependents) who are offered prescription drug coverage under the employer's group health plan	Annually prior to October 15th, upon request, and at various other times as required under the law  An online disclosure to the Centers for Medicare & Medicaid Services (CMS) is also required annually, no later than 60 days from the beginning of a plan year, and at certain other times
Michelle's Law Notice	Group health plan participants	With any notice regarding a student status certification requirement under a plan that bases coverage eligibility on student status (and that provides dependent coverage beyond age 26)
Notice of Patient Protections	Group health plan participants	Whenever a participant in a non-grandfathered group health plan requiring or providing for the designation of a participating primary care provider is furnished a Summary Plan Description (SPD) or other similar description of plan benefits
Notice of Privacy Practices	Individuals enrolled in the plan	Fully insured group health plans that <b>do not create or receive protected health information (PHI)</b> —other than summary health and enrollment information—are not required to develop this notice.  Fully insured group plans that <b>create or receive PHI</b> in addition to summary health information and enrollment information must maintain a notice and provide it to any person upon request. Other health plans must provide the notice as follows:  <b>To new enrollees:</b> At the time of enrollment  <b>To individuals covered by the plan:</b> Within 60 days of a material revision to the policy (special rules apply for website notice postings)  A health plan also must notify individuals covered by the plan of the availability of, and how to obtain, the notice at least once every 3 years, and make it available to any person who asks for it.
Notice of Special Enrollment Rights	Employees eligible to enroll in the employer's group health plan	At or before the time an employee is initially offered the opportunity to enroll in the plan
Summary of Material Modifications (SMM)	Group health plan participants	No later than 210 days after the end of the plan year in which the change is adopted, for material changes to the plan that do not result in a material reduction in covered services or benefits
Summary of Material Reduction in Covered Services or Benefits	Group health plan participants	Within 60 days of adoption of a material reduction in covered services or benefits (alternatively, notice may be provided with plan information that is furnished at regular intervals of not more than 90 days, if certain conditions are met).
Uniformed Services Employment and Reemployment Rights Act (USERRA) Notice	All employees	May be posted where employers customarily place notices for employees

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Wellness Program Disclosure	Group health plan participants & beneficiaries eligible to participate in a health-contingent wellness program	<p>In all plan materials that describe the terms of a health-contingent wellness program (both activity-only and outcome-based wellness programs). For outcome-based wellness programs, this notice must also be included in any disclosure of an individual's failure to satisfy an initial outcome-based standard.</p> <p>If the plan materials merely mention that a program is available, without describing its terms, this disclosure is not required.</p>
Women's Health & Cancer Rights Act (WHCRA) Notices	Group health plan participants & beneficiaries	Upon enrollment in a plan that provides coverage for medical and surgical benefits related to a mastectomy, and annually thereafter

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