

## Distributing Your Notice & Disclosure Packet for Open Enrollment

Revised on Oct.5, 2018

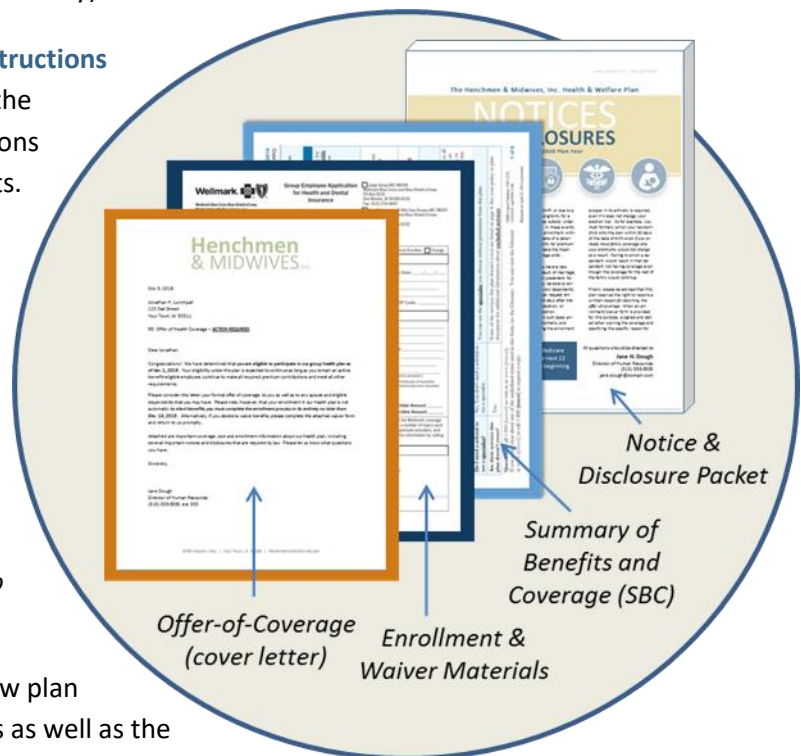
To remain compliant, the following items should be furnished automatically **to all plan eligibles at the time coverage is offered for the upcoming plan year**, ideally 30 days or more prior to the plan's renewal:

✓ A formal **Offer of Coverage** which includes explicit reference to spouse and dependent eligibility as well as the employee's option to waive coverage (if contributory).

✓ All necessary **enrollment materials and instructions** explaining how to enroll, the employee cost, the deadline for enrolling, and the fact that elections are irrevocable except due to qualifying events. For plans subject to ERISA, these materials should also include a written **Summary of Material Modifications (SSM)** if there are any plan changes or "material reductions in benefits or services."

✓ A **Summary of Benefits and Coverage (SBC)** for each plan being offered in the new plan year. **WARNING: In the case of automatic elections, any applicable SBCs must be provided no less than 30 days in advance of the plan's renewal.**

✓ Your **Notice & Disclosure Packet** for the new plan year, based on the information provided to us as well as the information we have on file. While we have taken great pains to make sure it is accurate, please be sure to review it carefully before distribution!



Please note that your enrollment materials need to include any **wellness program (or GINA) notices** required due your program's specific design and the degree it is described. For example, **Alternative Standard Disclosure language** is required anywhere a *health-contingent wellness incentive* is described (although it is not needed if a wellness program is only referenced, as when listing wellness rates).

Finally, after Open Enrollment, all first-time enrollees must be provided with a **complete Summary Plan Description (SPD)** (if subject to ERISA) and a **HIPAA Notice of Privacy Practices** (when applicable). Spouses enrolled for the first time must also be mailed a **General Notice of COBRA Continuation Coverage Rights** to his or her home, as *delivery to the employee at work does not count as delivery to the spouse*. A complete SPD includes all necessary attachments, including any applicable **Summaries of Material Modifications (SMMs)** and any **Certificate of Coverage/Coverage Manual "benefit booklets"** it incorporates through reference.

*This document is intended to be used for informational purposes only and does not constitute legal or tax opinions or advice.*