

All Employers Must Provide Exchange Notices to Employees by October 1; Guidance and Model Language Released by DOL

May 17, 2013

This alert is being provided to all types of employers, including employers that offer group health plans, employers that do not, governmental entities, for profit companies, nonprofit organizations, and large and small employers since it relates to an Affordable Care Act (“ACA”) requirement that vaguely limits its application to “any person acting directly or indirectly in the interest of an employer in relation to an employee.” ACA requires employers to provide a written notice to new hires and current employees about the healthcare exchange and some of the consequences of purchasing coverage through a healthcare exchange instead of enrolling in employer-provided coverage that satisfies federal requirements. Notices must be provided to current employees by October 1, 2013 and to later new hires within 14 days of their start date, regardless of their full- or part-time status and regardless of whether they are enrolled in the employer’s plan. On May 8, 2013, the Department of Labor (“DOL”) provided two model notices and an updated COBRA model election notice that includes healthcare exchange coverage information. Each of the notices must be personalized for the applicable employer.

- Technical Release
- Model Notice for Employers That Offer a Health Plan
- Model Notice for Employers That Do Not Offer a Health Plan
- Updated Model COBRA Notice

For more information, please contact the Carlton Fields attorney with whom you usually work, or the author of this Legal News Alert.

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