



Notice of Insurance Marketplace – Due Date Approaching

Health Care Reform Update

September 10, 2013

The Patient Protection and Affordable Care Act (“PPACA”), also referred to as Health Care Reform, requires an employer that is subject to the Fair Labor Standards Act (“FLSA”) to distribute a written Notice of Insurance Marketplace to its employees (“Notice”). The Notice must be distributed to all current employees by October 1, 2013. Each employee must receive a copy of the Notice regardless of whether (i) the employee is employed on a full or part-time basis; and (ii) the employee does or does not participate in the employer’s health plan. The Notice may be provided by first class mail or electronically if certain requirements are met. A third party (such as a health plan’s third party administrator) may provide the Notice on the employer’s behalf provided that the Notice is timely distributed and includes the required information. Any new employee who is hired on or after October 1, 2013 must receive the Notice within 14 days of the date on which he or she begins employment.

The written Notice is intended to assist an employee with evaluating his or her health care options in the Insurance Marketplace (the online marketplace for health insurance created by PPACA). Therefore, the Notice must include, for example:

- A description of the services that are provided by the Insurance Marketplace;
- Information regarding how the employee may contact the Marketplace to request assistance;
- A statement that the employee may be eligible for a premium assistance tax credit if the employer sponsors a health plan that does not provide minimum value; and
- A statement that the employee may lose any relevant employer contribution if the employee purchases health insurance coverage through the Marketplace.

The U.S. Department of Labor has published two model Notices that employers may use to satisfy the distribution requirement. One model notice is for use by an employer that maintains a health plan for some or all of its employees. The other model notice is for use by an employer that maintains no health plan for any of its employees. Each

PRACTICE AREAS

Employee Benefits

Health Care



model Notice can be found on the U.S. Department of Labor's website.

Please contact your Foster Swift Health Care Reform professional with any questions about the Notice of Insurance Marketplace.

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