



Valley Schools

Notices and Forms – June 2022

Exchange Notice

The employer must complete certain portions of both Parts A & B prior to providing to employees. The notice should be updated as changes in medical plans occur.

Required

- Employers must provide the Exchange Notice to all new hires within 14 days.
- Employers may provide the notice by first-class mail or electronically (so long as the requirements of the DOL's electronic disclosure safe harbor are met).

Recommended

- Include the notice in all new hire enrollment packets.

HIPAA Special Enrollment Notice

Required

- The employer must add contact information where indicated on the model notice.
- The notice must be provided at or before the time an employee is initially offered the opportunity to enroll in the group health plan.

Recommended

- Include the notice in all new hire or medical plan enrollment packets.
- Post on the employee intranet.

HIPAA Privacy Notice

- The notice is included in the Valley Schools/UHC medical plan SPD.

Required

- Regulations require providing to the employee when they enroll in the plan, upon request and within 60 days of a material change.
- Regulations provide that the notice may be distributed to an individual by e-mail if the individual agrees to electronic notice and such agreement has not been withdrawn. If the plan knows that the e-mail transmission has failed, a paper copy of the notice must be provided to the individual.

Recommended

- Include the notice in all new hire or medical plan enrollment packets.
- Post on the employee intranet.

CHIP Notice

The Notice has been revised from last year's

Employers may provide the notice electronically (so long as the requirements of the DOL's electronic disclosure safe harbor are met).

Required

- The notice must be provided to all employees annually, whether they are covered under the health plan or not.

Recommended

- Include the notice in all new hire enrollment packets.
- Post on the employee intranet.

Women's Health and Cancer Rights Act of 1998 (WHCRA)

- Notice is included in the Valley Schools/UHC medical plan SPD.

Required

- WHCRA notice must be provided when an individual enrolls in the health plan and annually.

Recommended

- Include the notice in all new hire/medical plan enrollment packets.
- Post on the employee intranet.

Newborn's' and Mothers Health Protection Act (NMHPA)

- The notice is included in the Valley Schools/UHC medical plan SPD.

Required

- Including in the SPD is the only requirement.

Uniformed Services Employment and Reemployment Rights Act

(USERRA) The attached poster has been revised from last year's.

- This notice is included in the Valley Schools/UHC medical SPD

Required

- Employers are required to provide to persons entitled to the rights and benefits under USERRA a notice of the rights, benefits, and obligations of such persons and such employers under USERRA.
- Distribution Requirement/Disclosure: Hand deliver, mail
- Employers may also meet the requirement by putting the poster in each workplace.

Recommended

- Include the notice in all new hire/medical plan enrollment packets.
- Display the poster with other postings in each workplace.
- Provide notice to those taking USERRA leave at the time leave is taken.
- Post on the employee intranet.

COBRA

- COBRA rights are outlined in the Valley Schools/UHC medical plan SPD.
- Valley Schools uses WEX to administer COBRA.
- WEX provides notification services for both the initial notification and the notification when there is a qualifying event.

Required

- Employers must provide COBRA notice to new enrollees in coverage and when a qualifying event occurs.

Recommended

- Use WEX COBRA notification services.
- Include the notice in all new hire/medical plan enrollment packets.
- Post on the employee intranet.

Medicare Part D

- Valley Schools provides the Medicare Part D notice to its member employers in the Valley Schools medical program each September.

Required

- Distribute Medicare Part D notice:
 1. Prior to an individual's initial enrollment period (IEP) for Part D – requirement is satisfied if notice is distributed prior to October 1 to all enrollees (rather than solely Medicare eligible enrollees)
 2. Prior to the effective date of coverage for any Part D eligible individual that enrolls in the employer's prescription drug coverage
 3. Whenever the employer no longer offers prescription drug coverage or changes it so that it is no longer creditable or becomes creditable
 4. Upon request by the Part D eligible individual
- Notice may be provided by mail or, if certain conditions are met, electronically (e.g., email). CMS guidances provides as follows:

Plan Sponsors may use the electronic disclosure requirements outlined at 29 CFR §2520.104b-1(c)(1) to meet the creditable coverage disclosure requirements under 42 CFR §423.56(c). These requirements allow the entity sponsoring a group health plan to provide a creditable coverage disclosure notice electronically to plan participants who have the ability to access electronic documents at their regular place of work if they have access to the plan sponsor's electronic information system on a daily basis as part of their work duties. If this electronic method of disclosure is chosen, the plan

sponsor must inform the plan participant that the participant is responsible for providing a copy of the electronic disclosure to their Medicare eligible dependents covered under the group health plan.

An entity can also provide a Disclosure Notice through electronic means to retirees only if the Medicare eligible individual has indicated to the entity that s/he has adequate access to electronic information. An entity must not take the right to provide materials to an individual via electronic means as a permissible way to deliver documents to all individuals. Before individuals agree to receive their information via electronic means, they must be informed of their right to obtain a paper version, how to withdraw their consent, how to update address information, and be advised of any hardware or software requirements needed to access and retain the creditable coverage disclosure.

If the individual consents to an electronic transfer of the notice, a valid e-mail address must be provided to the entity and the consent from the individual must be submitted electronically to the entity. This ensures the individual's ability to access the information as well as ensures that the system for furnishing these documents results in actual receipt. In addition to having the disclosure notice sent to the individual's email address, the notice (except for personalized notices) must be posted on the entity's website, if applicable, with a link on the entity's home page to the creditable coverage disclosure notice.

Recommended

- Provide notice to all employees on the medical plan prior to October 1.
- Include the notice in all new hire/medical plan enrollment packets.
- Post on the employee intranet.

Uniform Summary of Benefits and Coverage (SBC)

- Valley Schools provides the plan SBC(s) to its member employers each year prior to open enrollment.

Required

- The employer must provide the SBC:
 1. to applicants and enrollees no later than when the participant is first eligible to enroll,
 2. by the first day of coverage *if* there was any change to the information that was provided upon application and before the first day of coverage,
 3. upon renewal, *if* participants and beneficiaries must renew to maintain coverage, and
 4. upon request.
- HHS regulations authorize governmental plans to distribute SBCs electronically in the following situations:
 - For participants and beneficiaries covered under the plan:
 1. SBCs may be provided electronically to participants and beneficiaries in connection with their online enrollment or online renewal of coverage under the plan, provided the individual has the option to receive a paper copy upon request.
 2. SBCs may be provided electronically to participants and beneficiaries who request an SBC online, provided the individual has the option to receive a paper copy upon request.
 3. SBCs may be provided electronically to participants and beneficiaries in accordance with the ERISA electronic distribution rules.
 - For employees and beneficiaries who are eligible for, but not enrolled in, the plan may provide the SBC electronically if the SBC may be provided electronically if (1) the format is readily accessible; (2) the SBC is provided in paper form free of charge upon request; and (3) in a case in which the electronic form is an Internet posting, the plan or issuer timely notifies the individual in paper form (such as a postcard) or email that the documents are available on the Internet, provides the Internet address, and notifies the individual that the documents are available in paper form upon request.

- For any employee or beneficiary, the plan may provide the SBC by email after obtaining the individual's or dependent's agreement to receive the SBC or other electronic disclosures by email.
- For any employee or beneficiary, the plan may post the SBC on the Internet and advise the individual or dependent in paper (hand-delivered or mailed) or electronic form that the SBC is available on the Internet and includes the applicable Internet address.

Recommended

- The employer should provide the notice to all employees each year during open enrollment.
- Include SBC in all medical plan enrollment packets.
- Post on the employee intranet.

Wellness Notice

For Valley Schools' members using WellStyles the ACA required notice for wellness programs is provided to employees when they first log in to the WellStyles program on Virgin Pulse.

Required

- Employers that collect health information must provide a notice to participating employees prior to the employee providing any health information and with enough time to decide whether to participate in the program.
- EEOC guidance states: "The notice can be given in any format that will be effective in reaching employees being offered an opportunity to participate in the wellness program. For example, it may be provided in hard copy or as part of an email sent to all employees with a subject line that clearly identifies what information is being communicated (e.g., "Notice Concerning Employee Wellness Program"). Avoid providing the notice along with a lot of information unrelated to the wellness program as this may cause employees to ignore or misunderstand the contents of the notice. If an employee files a charge with EEOC and claims that he or she was unaware of a particular medical examination conducted as part of a wellness program, EEOC will examine the contents of the notice and all of

the surrounding circumstances to determine whether the employee understood what information was being collected, how it was being used, who would receive it, and how it would be kept confidential.”

Recommended

- For members not using WellStyles for their wellness program prepare a notice from the model notice and provide to all employees when they enroll in the wellness program.

Family Medical Leave Act

Required & Recommended

- Display a poster in plain view for all workers and applicants to see, notifying them of the FMLA provisions and providing information concerning how to file a complaint with the Wage and Hour Division.
- Provide a general notice containing the same information that is in the poster in its employee handbook (or other written material about leave and benefits). If no handbook or written leave materials exist, the employer must distribute this general notice to new employees upon hire. The FMLA regulations provide that in either case, distribution may be accomplished electronically.