



Quick Links

[Last Month's Issue](#)

[Contact Us](#)



Using Open Enrollment to Communicate PPACA Required Notices

While we're on the subject of [communication and Open Enrollment](#) let's not forget that the Patient Protection and Affordable Care Act (PPACA) and follow-up legislation, the Health Care and Education Reconciliation Act of 2010, require communicating to employees about certain provisions of both laws. In general, the notices must be provided no later than the first day of the first plan year beginning on or after September 23, 2010. For most plans, this means January 1, 2011. Since open enrollment is usually the time when most plan sponsors communicate with all who are eligible to participate in their plans, including the required notices with open enrollment materials is probably a good idea.

Model Notices and additional information about the Act can be found by following this [link](#).

Coverage of Dependent Children to Age 26

Plans must give children who qualify an opportunity to enroll that continues for at least 30 days regardless of whether the plan or coverage offers an open enrollment period. This enrollment opportunity *and a written notice* must be provided not later than the first day of the first plan or policy year beginning on or after September 23, 2010. The new policy does not otherwise change the enrollment period or start of the plan or policy year.

Special Notice for Individuals Who Have Reached their Plan's Lifetime Limits

The regulation prohibits the use of lifetime limits in all health plans and insurance policies and requires that a special notice be provided to those who have reached a plan's lifetime limit and are otherwise still eligible for coverage. On a related matter, new rules will phase out the use of annual dollar limits over the next three years until 2014 when the Affordable Care Act bans them for most plans.

Notice of a Grandfathered Plan's Status

Every time it distributes materials, plans are required to disclose whether the plan believes that it is a grandfathered plan and, therefore, is not subject to some of the additional consumer protections of the Affordable Care Act. The plan must also provide contact information for enrollees to have their questions and complaints addressed.

Of course, there are other notices plans must provide to participants or those eligible to participate, but these are the ones that plan sponsors might consider piggy-backing with enrollment materials. Doing so will eliminate the need – and expense - to send out subsequent notices. **Disclaimer:** We're not, nor – with all due respect - do we want to be, attorneys so you should consult with counsel regarding any aspect of this communication as it pertains to PPACA requirements.

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