



Employee Benefits

Consulting and Administration to Fit Your Organization's Needs

KUSHNER
& COMPANY, INC.
Employee Benefit Consultants and Administrators

For Your Benefit

Required Health Plan Annual Notices – 2009 Edition

Ben Cohen, CEBS

Practice Leader - Health and Welfare Benefits, Kushner & Company

As benefit and open enrollment planning begins for many organizations each fall, it should be remembered that there are a number of annual health plan notices that must be sent to plan participants each year. Below is a list of notices to keep in mind, and ensure that they are sent as necessary:

Medicare Part D. Each year, you must distribute the Notice of Creditable Coverage required under Medicare Part D, which informs participants whether the prescription drug coverage offered under your health plan is considered creditable or non-creditable coverage. The Notice of Creditable Coverage must be provided:

- At least once a year before November 15th (the start of the annual Medicare Part D enrollment period).
- Whenever a Medicare-eligible employee enrolls in your health plan. You may also simply include this as part of your new-hire package to employees.
- Whenever there is a change in the creditable or non-creditable status of your health plan's prescription drug coverage.
- Whenever an individual requests the notice.

Each year within 60 days of the beginning of the plan year, the employer must also report to CMS whether your prescription drug coverage is creditable or non-creditable coverage. This must be electronically submitted via a Disclosure to CMS Form. Additional information can be found at http://www.cms.hhs.gov/CreditableCoverage/40_CCDisclosure.asp. You may wish to contact your insurance carrier, TPA, and/or prescription drug PBM for information on your plan(s).

Woman's Health and Cancer Rights Act of 1998 (WHCRA). At the initial enrollment and each year following, notice must be provided to plan participants regarding the availability of benefits for the treatment of mastectomy-related services, including reconstructive surgery, prostheses, and physical complications, including lymphedemas covered by the plan. Information must also be provided on how to obtain a detailed description of the mastectomy-related benefits available under the plan. More information can be found here <http://www.dol.gov/ebsa/publications/whcra.html>. You may wish to contact your insurance carrier or TPA to see if they offer assistance on this notice.

HIPAA Notice of Privacy Practices: For employers who have enacted HIPAA Privacy Policies and Procedures, including those who receive Protected Health Information (PHI) and those that sponsor an FSA or HRA, an initial Notice of Privacy Practices was to have been provided to all plan participants at the adoption of the Policies and Procedures. Additionally, the participants must be made aware of the availability of and how to obtain the Notice of Privacy Practices at least once every three years.

Please let your representative at Kushner & Company know if we can be of any assistance with the above items, or any benefits related questions.

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