

## Employer Health Insurance Notification

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A little noticed provision in the Patient Protection and Affordable Care Act (ACA) requires ALL employers to notify their employees of the health insurance options they have available to them as a result of enactment of the ACA. According to the Department of Labor, all employers covered by the Fair Labor Standards Act (FLSA) are obligated to make the health insurance notification by **OCTOBER 1, 2013**. An FLSA covered employer is one with at least one employee and \$500,000 in revenue.

This notification **MUST** occur whether the employer provides health insurance to the company's employees or not. The Department of Labor has provided information about this mandatory notification and made model forms available for employers to use. Here are the links:

One for employers that **DO** offer health insurance:

<http://www.dol.gov/ebsa/pdf/FLSAwithplans.pdf>

One for employers that **DO NOT** offer health insurance:

<http://www.dol.gov/ebsa/pdf/FLSAwithoutplans.pdf>

Spanish language versions are also available for download. There is some work involved in being able to accurately complete the form – particularly for employers that offer health insurance. This is not a simple “cut and paste” exercise.

Notification must be in writing AND written in manner that can be expected to be understood by the “average” employee. The written notification can be hand delivered or sent to the employee via first class mail or electronic mail. Although employers are not required to obtain written verification from the employee indicating receipt of the notice, employers may wish to obtain verification in the event there is a question.

**Failure to make the required notification could result in a fine of up to \$100.00 per day.** For new employees (those hired after 10/1/2013), the communication must be given within 14 days of the beginning of their employment. There is also An ACA notification requirement when an employee leaves if that employee is eligible for COBRA benefits.

To learn more, you can also visit the Department of Labor's website:

<http://www.dol.gov/ebsa/newsroom/tr13-02.html>