

February 16, 2010

Children's Health Insurance Program Model Notice

The Children's Health Insurance Program Reauthorization Act of 2009 (CHIPRA) requires employers offering group health plans to notify employees of their potential right to receive premium assistance under a state's Medicaid children's health insurance plan (CHIP). Assistance is available to certain employees in the form of premium assistance for group health benefits. Employers in states offering a CHIP program (Alabama, Alaska, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin and Wyoming) are required to notify employees of the potential opportunities available for premium assistance under Medicaid or CHIP for health coverage.

The Department of Labor recently published a model notice to enable employers to timely comply with these notice requirements. Employers are required to provide this notice by the later of (1) the first day of the first plan year after February 4, 2010, or (2) May 1, 2010. This means that if the group health plan has a calendar plan year (or a plan year beginning any time between January 1 and February 3), the notice must be distributed at the start of the 2011 plan year. But for plans with plan years beginning any time between February 4 and December 31, 2010, notice must be sent in 2010.

The notice can be combined with other information, such as open enrollment materials, so long as the notice appears separately and in a manner that ensures that an employee who may be eligible for premium assistance could reasonably be expected to appreciate its significance.

A copy of the model notice can be found at www.dol.gov/ebsa/chipmodelnotice.doc.

If you have any questions about the model notice or any other employee benefit matter, please contact a member of our [Benefits Law Group](#).

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