



Maine Municipal Employees Health Trust

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To: Health Trust Participating Employers
From: Anne Wright, Assistant Director, MMEHT
Date: October 25, 2013
Re: The Affordable Care Act and Health Care Reform -
Summaries of Benefits and Coverage

Please note: Copies of these Health Care Reform updates may be found on the Health Trust website, at www.mmeht.org. Click on the link for Health Care Reform. Updates are at the bottom of the page; simply click on the link for the update you wish to read.

Under the terms of the federal Affordable Care Act, employers are responsible for providing employees with certain prescribed notices regarding their health insurance coverage. The first of these notices was the **Notice of Health Insurance Marketplace**, which you should have provided to all existing employees on or before October 1, 2013, regardless of their eligibility for benefits. Please refer to the update dated August 30, 2013, for more information on the Notice of Health Insurance Marketplace.

Today's update will focus on the **Summaries of Benefits and Coverage, or SBCs**, that are mandated by the Affordable Care Act. All employers offering health insurance benefits to their employees must provide employees with a Summary of Benefits and Coverage, or SBC. This SBC, which follows a standard format prescribed by the federal government, should be distributed to all **benefits-eligible employees** prior to the beginning of the plan's open enrollment period each year.

The Health Trust's open enrollment period falls during the month of December, for a coverage effective date of January 1. This means that SBCs must be distributed to all current benefits-eligible employees **before December 1**, in order to comply with the law. SBCs must also be provided to any new benefits-eligible employees, so that they are able to review and compare benefits for any health plan(s) in which they are eligible to enroll.

The Health Trust is in the process of updating its SBCs, to reflect 2014 benefits. Please note: The SBCs that are currently available on the Health Trust website are for plan year 2013. In order to comply with the law, you will need to distribute SBCs for **plan year 2014** to your benefits-eligible employees before December 1.

We anticipate that the updated 2014 SBCs will be available by November 15. We will provide each Health Trust employer group with a hard copy of the SBC for each health plan offered by the group. In addition, electronic versions of the SBCs for all Health Trust health insurance plans will be available on the Health Trust website, at www.mmeht.org/BenCoverage.htm.

As noted in our August 12, 2013 e-mail update, SBCs may now be provided to employees electronically (e.g., via e-mail), as long as certain safe harbor provisions are met. As long as an employee is able to access documents electronically at work, at a location where the employee is **reasonably expected to perform his/her work duties**, and as long as access to the employer's electronic information system (e-mail, internet, etc.), is an **integral part of the employee's work duties**, the notice may be provided electronically.

However, if there are employees who do not have access to computers at work, and for whom electronic access is not a regular integral part of their work responsibilities, notice must be provided in hard copy (paper) form, unless the employee requests otherwise.

We will provide further guidance around the Summaries of Benefits and Coverage over the next few weeks. In the meantime, we wanted to confirm for all Health Trust employers that the 2014 SBCs will be available soon.

Please note that the IRS recently issued guidance stating that SBCs will no longer need to be issued for Employee Assistance Programs. This means you will not need to provide your employees with an EAP SBC this year.

Please note that the Maine Municipal Association and the Maine Municipal Employees Health Trust are sharing this information to assist you with your compliance planning. We recommend that you contact your legal counsel with specific questions relating to this law.