

LEGAL UPDATE

DOL Releases New Model Employer CHIP Notice

The Department of Labor (DOL), through its Employee Benefits Security Administration (EBSA), has released a [new model Employer CHIP Notice](#) with information current as of **July 31, 2021**.

As a reminder, the Children's Health Insurance Program Reauthorization Act of 2009 (CHIPRA) imposes an **annual notice requirement** on employers that maintain group health plans in states that provide premium assistance subsidies under a Medicaid plan or a Children's Health Insurance Plan (CHIP). An employer can choose to provide the notice on its own or concurrent with the furnishing of:

- Materials notifying the employee of health plan eligibility;
- Materials provided to the employee in connection with an open season or election process conducted under the plan; or
- The summary plan description (SPD).

Covered Employers

An employer is subject to this annual notice requirement if its group health plan covers participants who reside in a state that provides a premium assistance subsidy, regardless of the employer's location.

The DOL's model notice, which employers may use for this disclosure, is updated periodically to reflect changes in the states that offer premium assistance subsidies. **The DOL's model Employer CHIP Notice includes information current as of July 31, 2021.** Employers could also choose to prepare their own notices, or modify the model notice. Employers should be sure to include at least the minimum relevant state contact information for any employee residing in a state with premium assistance.

CHIPRA Notice Requirements

- Employers that maintain group health plans in states with premium assistance subsidies must provide their employees with an annual notice.
- The DOL has a model notice for employers to use.
- Employers could also choose to prepare their own notices, or modify the model notice.

The DOL updates the model notice each year to reflect any changes in the number of states offering premium assistance programs, as well as the contact information for those states.

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