

Health Care Reform Management Alert Series



Final Regulations Regarding SBC Requirements

Issue 93

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This is the ninety-third issue in our series of alerts for employers on selected topics in health care reform. (Click [here](#) to access our general summary of health care reform and other issues in this series). This series of Health Care Reform Management Alerts is designed to provide an in-depth analysis of certain aspects of health care reform and how it will impact your employer-sponsored plans.

The Departments of Health and Human Services, Labor, and Treasury (the “Departments”) recently finalized changes to regulations governing the summary of benefits and coverage (“SBC”), which were published in the Federal Register on June 16, 2015. The [final regulations](#) generally track the proposed regulations in codifying certain pieces of interim and informal guidance, including guidance regarding a plan sponsor’s responsibility to ensure compliance with the SBC rules if the plan sponsor chooses to contract with a third party with respect to SBC compliance. The final regulations also contain provisions that are intended to reduce unnecessary duplication when providing SBCs and clarify that plan sponsors and issuers of insured coverage (and not self-insured coverage) must include an Internet web address where copies of the actual individual coverage policy or group certificate of coverage can be reviewed and obtained. For employer-sponsored plans, the final regulations are generally applicable for SBCs issued in conjunction with open enrollments beginning on or after September 1, 2015, and for all other SBC distribution events relating to plan years beginning on or after September 1, 2015.

The proposed regulations contained proposed changes to the SBC template, uniform glossary, and other supporting documentation. On March 30, 2015, the Departments stated in a Frequently Asked Question that the Departments wanted to offer the public more time to review and provide input before finalizing those documents. The Departments intend to finalize the new SBC template and associated documents by January 2016. The new template will apply for coverage that begins on or after January 1, 2017, including any coverage with an open enrollment in fall of 2016.

Click [here](#) to access our prior alert with respect to the proposed SBC regulations.

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