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**Legislative Update**

February 13, 2020



## UPDATED CHIP MODEL NOTICE INCLUDES PREMIUM ASSISTANCE AVAILABILITY FOR CALIFORNIA RESIDENTS

The Department of Labor (DOL) has released its biannual update to its *Premium Assistance Under Medicaid and the Children's Health Insurance Program (CHIP) Notice* (CHIP Notice), available [here](#) (English version) and [here](#) (Spanish version). The CHIP Notice itself is similar to previous versions. However, the listing of states that offer premium assistance has been updated to include California, among other changes.

The model CHIP Notice may be used to satisfy the employer notice requirement under the Children's Health Insurance Program Reauthorization Act of 2009 (CHIPRA). All of the information in the model notice is provided by the DOL and is current as of January 31, 2020.

### CHIPRA REQUIREMENTS

CHIPRA created notice and disclosure obligations for employers that maintain group health plans in states that provide Medicaid or state children's health insurance program (CHIP) assistance in the form of premium assistance subsidies. 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. 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, such as part of the Annual Notice packet that Burnham Benefits prepares for its clients; or
- The summary plan description (SPD).

The model CHIP Notice is updated, generally as of July 31 and January 31 of each year, to reflect changes in the states that offer premium assistance subsidies. 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 available to him or her.

### ADDITIONAL INFORMATION

For additional information, please contact your Burnham Benefits Consultant or Burnham Benefits at 949-833-2983 or [inquiries@burnhambenefits.com](mailto:inquiries@burnhambenefits.com).

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