

August 2016

## **BENEFITS ALERT: Health Plan Nondiscrimination Rules**

You may have read, or received information from your health care or prescription drug partners, about recently published nondiscrimination regulations. These regulations apply to group health plans that receive any Federal financial assistance. This includes plans with retiree drug coverage that receive a Part D subsidy.

The regulations prohibit plans from discriminating against individuals based on race, color, national origin, sex, age, or disability. (Including, as you may have read, the requirement to provide otherwise gender-specific benefits to transgender participants.) For most plans, however, the relevant provisions of the regulations are administrative requirements, such as:

- For plans with at least 15 employees:
  - Designate an individual (called a Civil Rights Coordinator) who is responsible for making sure that the plan complies with the regulations;
  - Adopt a grievance procedure for resolution of discrimination complaints.
- By October 17, 2016:
  - Publish a notice regarding participants' rights under the nondiscrimination rules;
  - Publish "taglines" (which are short statements in non-English languages about the availability of language assistance).

The notice and taglines must be published in participant communications and posted in prominent locations (including on the plan's website). Model notices and taglines are available at: <http://www.hhs.gov/civil-rights/for-individuals/section-1557/translated-resources/> Plans are also required to provide translation services for participants who are not proficient in English.

We are happy to assist you in making sure that notices and taglines are published and posted appropriately, and in making sure that your plan and operations comply with the regulations.

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