

Legal Alerts

Employers Are Required to Give Employees Notice of the New Health Insurance Marketplace by October 1, 2013 – But there's no fine or penalty for not giving the notice!

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Garvey Schubert Barer Legal Update, September 18, 2013.

As part of the Affordable Care Act (commonly referred to as "Obamacare"), employees who are not covered by affordable health insurance plans at their workplace are entitled to purchase coverage through the new "Health Insurance Marketplace" (this is the health care exchange set up in their state).

Employers are required to provide a written notice to their employees about the Health Insurance Marketplace. This notice has to be given by October 1, 2013. **However, there is no fine or penalty for failing to provide the notice.**

In addition to informing employees about the existence of the Health Insurance Marketplace, the notice should also advise employees that:

- Depending on their income and the coverage offered by their employer, they may be able to buy lower cost health insurance in the Marketplace; and
- If they buy insurance through the Marketplace, they may lose their employer's contribution (if any) to their health benefits

The U.S. Department of Labor has two model notices that employers can use. There is one model notice for employers who do not offer a health plan and another model notice for employers who offer a health plan to some or all of their employees. They can be used "as is" or modified as an employer sees fit.

The two fillable model notice forms, along with additional versions in Spanish, are available below.

Employers who currently have a health insurance plan may also want to check with their agent or broker to see if the notices are available from the insurance company.

U.S. Department of Labor Forms:

[Employers With Plans](#) (pdf)

[Employers With Plans \(Spanish\)](#) (pdf)

[Employers With Plans](#) (doc)

[Employers Without Plans](#) (pdf)

[Employers Without Plans \(Spanish\)](#) (pdf)

[Employers Without Plans](#) (doc)

If you need assistance with complying with the Affordable Care Act's requirements for employer-provided health plans, please contact us.

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[503.553.3181](tel:503.553.3181) vince.cacciottoli@foster.com

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