

Patient Protection and Affordable Care Act

Required Marketplace Notice for Employees

PPACA requires employers to notify all employees by October 1, 2013 regarding the availability of coverage through the new Marketplace.



The Department of Labor has issued [Technical Release 2013-02](#), which provides employers with temporary guidance regarding the notice they are required to give employees about the new Marketplace (formerly called the Exchange). The technical release includes model notices employers can customize and use.



What employers are subject to this requirement

This notice requirement applies to all employers who are subject to the Fair Labor Standards Act. It applies to groups of all sizes, fully insured and self-funded. The Fair Labor Standards Act (FLSA) section of PPACA states that "...employers that employ one or more employees who are engaged in, or produce goods for, interstate commerce" are subject to the Marketplace notice requirement.

What the notice must contain

The required notice must include information about the premium credits and cost sharing subsidies available to low income individuals if they enroll for Marketplace coverage. Open Enrollment for health insurance through the Marketplace begins October 1, 2013.

The model notices are available on the Department of Labor's website, www.dol.gov/ebsa/healthreform/.

- [Model Notice for Employers Offering Health Coverage](#)
- [Model Notice for Employers Not Offering Health Coverage](#)
- [Model COBRA Notice](#)

Who must provide the notice

Employers are responsible for providing the required Marketplace notice to employees.

Who must get the notice

Employers must provide the Marketplace notice to all employees (full-time and part-time), whether or not they are enrolled in the group's health plan. The notice must be provided in writing, either via a printed hard copy or electronically, as allowed under the law. The notice does not have to be provided to the employee's dependents.

When the notice must be provided

Employers must provide the required notice to all employees on or before October 1, 2013. After October 1, all new hires must be provided with the notice within 14 days of the employee's start date.

Next steps for the employer

- Review [Technical Release 2013-02](#), which provides more detailed information about the group's Marketplace notice requirements.
- Review the model notices provided. Groups may use the model notice or one of their own, provided it meets the content requirements described in the Technical Release.
- Determine how and when the required notice will be distributed to employees.

Technical Release 2013-02 is intended to provide employers with temporary guidance and model notices that can be used to satisfy PPACA requirements. Employers are not required to implement the Technical Release at this time if they want to wait until final guidance is issued later this year.

If you have any questions about this information, please contact a member of your Blue Cross and Blue Shield of Nebraska account sales or service team.