



## BENEFIT NEWS BRIEFS

### ***HHS Posts 2016 Information Needed by Health Plans For Providing SBCs In A "Culturally And Linguistically Appropriate Manner"***

#### ***Lists Counties Where 10% Or More Of The Population Is Literate in Only A Non-English Language***

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The *Affordable Care Act (ACA)* requires group health plans, including multiemployer plans, offering group and individual coverage to provide a summary of benefits and coverage (SBC) and uniform glossary in a "*culturally and linguistically appropriate manner.*"

The [SBC regulations](#) require these plans to make certain accommodations for notices sent to an address in a county where at least 10% or more of the population is literate only in the same non-English language, as determined based on American Community Survey (ACS) data published by the United States Census Bureau. HHS updates and posts this linguistic information annually.

In addition, the *ACA* requires *non-grandfathered* group health plans, including multiemployer plans, offering non-grandfathered health insurance coverage to provide notices in a "*culturally and linguistically appropriate manner*" concerning the availability of:

- *an internal appeals process,*
- *an external appeals process, and*
- *any applicable office of health insurance consumer assistance or ombudsman established under Section 2793 to assist such enrollees with the appeals processes.*

The same 10% threshold for SBCs also applies to these appeals notices.

HHS recently released the 2016 CLAS (Culturally and Linguistically Appropriate Services) data sheet which is available by "[clicking here.](#)" The document is located at: <http://www.cms.gov/CCIIO/Resources/Fact-Sheets-and-FAQs/index.html>. Once on that page, scroll down to the section on *Summary of Benefits and Coverage and Uniform Glossary*.

The 2016 CLAS list includes all counties which meet or exceed the 10% threshold for the 2010-2014 ACS data and is applicable for 2016. This list will be updated annually by CMS. Assuming the general timing of the release of data does not change in future years, CMS stated it anticipates releasing the list in December or the following January of each year.

#### **WHAT THIS MEANS TO FUND OFFICE STAFF**

Fund Office staff responsible for SBC distribution should consult this 2016 list to ensure that the status of the counties where plan participants reside did not change from last year. Unfortunately, the 2016 CLAS data sheet does not identify changes from the 2015 data sheet and a manual comparison will be required.

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