

DOL Suspends March 23, 2012 Due Date for Distribution of Summary of Benefits and Coverage

On November 17, the Department of Labor ("DOL"), with the assistance of the Departments of Treasury and Health and Human Services, provided welcomed (albeit ambiguous) relief regarding the new Summary of Benefits and Coverage ("SBC") required to be distributed by group health plans and health insurance issuers ("insurers") subject to the requirements of the Affordable Care Act. (We described the availability of the proposed SBC template on page two of our Health Reform Impact alert issued on October 5, available [here](#).)

Until this DOL announcement, the deadline for initially distributing the SBC was to be March 23, 2012. However, the DOL's newest set (Part VII) of Frequently Asked Questions About Affordable Care Act Implementation (available [here](#)), describes that compliance with the SBC requirements will not be required until an applicability date to be announced in forthcoming final regulations on the subject. Although the DOL did not provide—or even hint at—a particular date, the DOL anticipates that this applicability date (i.e., including the initial SBC distribution deadline) will give plans and insurers "sufficient time to comply" with the SBC requirements.

This DOL announcement similarly suspends the requirement that group health plans and insurers provide 60 days' prior notice of any "material modifications" in the terms of the plan or coverage described in the most recently issued SBC.

We await further guidance from the DOL on the SBC applicability date, and will keep you informed of any developments.



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