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## Foreign-Language Notice Statements Required

A recently released [Fact Sheet](#) provides an updated list of counties for group health plans to use to determine when they must include foreign-language statements in claim and appeal notices and summaries of benefit and coverage (SBCs). For 2012, 246 U.S. counties have 10% or more of their residents literate in the same non-English language (Spanish, Tagalog, Chinese or Navajo). The list of counties will be updated annually using U.S. Census Bureau data.

**Claims and appeals notice rules apply to non-grandfathered group health plans.** The claims and appeals regulations outline three requirements that must be satisfied for notices sent to an address in a county in which 10% or more of the population is literate only in a non-English language. In such cases, the plan is generally required to provide oral language services upon request in the non-English language, provide notices upon request in the non-English language, and include in all English versions of the notices a statement in the non-English language clearly indicating how to access the language services provided by the plan. Regulators have included this sentence (in all four languages) in the [model claim denial notice](#).

**SBC notice rules apply to all group health plans.** In order to satisfy the requirement to provide the SBC in a culturally and linguistically appropriate manner, a plan must follow the rules in the claims and appeals rules as described above. This means that the SBC must include a statement on the availability of language assistance services if the notice is sent to an address in a county in which 10% or more of the population is literate only in the same non-English language. Language assistance includes oral language services (e.g., telephone hotline in the non-English language), providing the notice in the non-English language (if requested), and adding a statement to the SBC in the applicable non-English language(s) about how to access language services. Under current guidance, translation may be required into Spanish, Tagalog, Chinese and Navajo.

Accordingly, plans must include, in the English versions of SBCs sent to an address in a county in which 10% or more of the population is literate only in a non-English language, a statement prominently displayed in the applicable non-English language clearly indicating how to access the language services provided by the plan. The plan should include this statement on the page of the SBC with the "Your Rights to Continue Coverage" and "Your Grievance and Appeals Rights" sections. Plans can use the same sample language for this statement supplied in the [model claim denial notice](#).

In order to simplify compliance and avoid the need to track and annually review the list of counties, some employers may choose to include the one sentence statements in notices to all

recipients, not just residents of the listed counties. Even in counties where no non-English language meets the 10% threshold, a plan can voluntarily include such a statement in the SBC in any non-English language. For example, statewide notices in New Jersey could include the relevant one-sentence statement in Spanish because, using the data from the chart, Spanish meets the 10% threshold in Cumberland, Hudson, Passaic and Union Counties. This would be a permissible approach to meeting the rule.

Plans are also required to provide complete SBCs upon request in the non-English language. Regulators intend to post written translations of the model SBC templates and uniform glossary materials in Spanish, Tagalog, Chinese, and Navajo on the Centers for Medicare and Medicaid Services [website](#).

Employers are advised to continue to monitor healthcare reform developments. Should you have questions about this or any aspect of federal health insurance reform, contact your Conner Strong & Buckelew account representative toll free at 1-877-861-3220. For a complete list of Legislative Updates issued by Conner Strong & Buckelew, visit our online [Resource Center](#).



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