

Fact Sheet



U.S. Department of Labor
Employee Benefits Security Administration

HIPAA Special Enrollment under the Children's Health Insurance Program Reauthorization Act

Under the Children's Health Insurance Program Reauthorization Act of 2009 (CHIPRA), group health plans and group health insurance issuers must offer special enrollment opportunities. Plans and issuers must permit employees and dependents who are eligible for, but not enrolled in, a group health plan to enroll in the plan upon:

- losing eligibility for coverage under a State Medicaid or CHIP program, or
- becoming eligible for State premium assistance under Medicaid or CHIP.

The employee or dependent must request coverage within 60 days of being terminated from Medicaid or CHIP coverage or within 60 days of being determined to be eligible for premium assistance.

There are also notice and disclosure requirements associated with CHIPRA.

Individuals need to contact their State's Medicaid or CHIP program to determine if they are eligible for Medicaid or CHIP, and to see if their State will subsidize group health plan premiums. If they are eligible for a premium subsidy, they need to contact their plan administrator or employer to take advantage of the special enrollment opportunity and enroll in the group health plan.

Model Notice for Employers

Employers that maintain a group health plan in a State that provides premium assistance under Medicaid or CHIP must notify all employees of potential opportunities for premium assistance in the State in which the employee resides. The Employer CHIP Notice may be provided with the Summary Plan Description, enrollment packets or open season materials as long as these materials are provided to all employees, and are provided in accordance with the Department of Labor's disclosure rules. The notice must be provided annually.

A model Employer CHIP Notice is available on the EBSA Website at <https://dol.gov/agencies/ebsa/laws-and-regulations/laws/chipra>. The model notice includes State contact information for States that provide Medicaid or CHIP premium assistance programs. This contact information will be updated periodically, therefore, be sure to check the EBSA Website for the most recent version.

If you need assistance or have questions, **contact EBSA** electronically or call toll free 1-866-444-3272.