

Compliance Alert – Preparing for 2022

Illinois Enacts a New Employee Notice Requirement

This alert applies only to employers with employees working in Illinois.

The state of Illinois enacted a “Consumer Coverage Disclosure Act” which creates a requirement for Illinois employers (that is, any employer offering health coverage to an employee who works in Illinois) to provide a notice to employees that compares the employer offered plan to a list of Illinois essential health benefits.

Illinois Consumer Coverage Disclosure Notice notes, rules, regulations:

- The notice must be provided to Illinois employees annually, upon hire, and upon request.
- There is no exception for small employers – the notice must be provided even if the employer has only 1 employee in Illinois.
- The notice must be provided whether the plan is issued in Illinois or another state, and whether the plan is fully insured or self-funded.
- **Effective date: The legislation does not include a date by which the notice must be issued. EBS recommends a good-faith effort to deliver the notices with open enrollment information at the next renewal. If the next renewal is 1/1/2022, EBS recommends delivering the notice in January 2022.**
- The notice can be sent via email or posted to the employer’s website.
- There is no requirement for employers to provide the Illinois essential health benefits – only to provide the comparison. There are no penalties if the employer plan does not provide all Illinois essential health benefits. **That said, EBS fully expects that the health plans that we broker for our clients do provide all Illinois essential health benefits.**
- The State of Illinois has provided a [template](#) for use in complying with the required notice. While use of the template is not mandated, it is not sufficient to provide a general benefits booklet or SPD which lists/describes the plan’s benefits or EHBs offered.
- Employers need to compare the health benefit coverage provided by each group health insurance policy available to Illinois employees to the chart, and indicate which benefits are and are not covered by each policy. **EBS can help you compare the coverage provided by the policy or policies provided to your Illinois employees to the list of essential health benefits.**
- The template refers to information in the "Benchmark Page # Reference" column. The page numbers in that column refer to where the benefit in question appears in the [Access to Care and Treatment Benchmark Plan](#) and the [Pediatric Dental Plan](#) as provided by the Illinois Department of Insurance.

Action Item:

Employers with employees in Illinois can contact their EBS account manager and coordinate efforts to develop this required notice and deliver it to Illinois employees.

If you have any questions, please feel free to contact your EBS representative.

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