

Compliance Directions

New Language Requirements Effective Next Year for SBCs (and other ACA Notices) Gallagher

In 2023, the Departments of Labor, Health and Human Services, and Treasury (the Departments) issued a new [FAQ](#) updating the Culturally and Linguistically Appropriate Services County Data (CLAS County Data) that is used by plans to provide language assistance and notices in certain non-English languages under the Patient Protection and Affordable Care Act (ACA).

The updated CLAS County Data must be used by non-grandfathered group health plans for plan years beginning on or after January 1, 2025. This article focuses on the Summary of Benefits and Coverage (SBC) requirement under the ACA. For more information on the other ACA notices impacted by this guidance, see our previous Directions article, [New Language Requirements for Certain Services and Notices under the ACA](#).

SBCs

Under the ACA, non-grandfathered group health plans are required to provide non-English language services that include oral language services, notices in applicable non-English languages and in the English versions of all notices, and a statement prominently displayed in the applicable non-English languages clearly indicating how to access the language services provided by the plan or issuer (referred to as taglines).

Non-English language assistance applies to SBCs and, therefore, plans and issuers must include taglines and translated SBCs in each language that meets the 10% threshold according to the CLAS County Data.

According to the FAQ, the Departments are expected to provide updated SBC templates and sample completed SBCs in English (with updated taglines in the applicable non-English languages) and additional translated versions of the SBC and Uniform Glossary. However, the Departments have yet to provide updated SBC material.

Despite the missing templates, plans and issuers must be prepared to provide updated English SBCs with the new tagline requirements and provide translated SBCs in the

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applicable non-English language for their plan years beginning on or after January 1, 2025.

Applicable notices must now include taglines for Chamorro, Carolinian, Pennsylvania Dutch, Samoan, Tagalog, Traditional Chinese, Navajo, and Spanish. Sample taglines are available in the [CLAS County Data](#) guidance.

Action Steps

Keep an eye out for the updated SBC material from the Departments, but until it is released, non-grandfathered plans that have calendar year plan years will want to work with their carriers or third party administrators (TPAs) to ensure that SBCs distributed during annual enrollment include the new language taglines. If the SBC does not include the applicable non-English taglines, the plan may need to reissue the SBC. For fully insured plans, the carrier is typically responsible for updating and completing the SBC in accordance with new CLAS data. Self-insured plans may utilize SBCs provided by a TPA, however, plans must review the SBC for compliance with applicable content and appearance requirements.

The intent of this article is to provide general information on employee benefit issues. It should not be construed as legal advice and, as with any interpretation of law, plan sponsors should seek proper legal advice for application of these rules to their plans.