

Justification for Non-material or Non-substantive Change to Currently Approved Collection

AGENCY: Employee Benefits Security Administration (EBSA)

TITLE: Summary of Benefits and Coverage (SBC) and Uniform Glossary Required Under the Affordable Care Act

STATUS: OMB Control Number: 1210-0147 Exp. Date: 05/31/2025

Sections 2715 of the Public Health Service (PHS) Act requires group health plans and health insurance issuers offering group or individual health insurance coverage (plans and issuers) to provide the summary of benefits and coverage (SBC) in a culturally and linguistically appropriate manner. To meet this requirement, regulations implementing section 2715 of the PHS Act specify that plans and issuers must provide the following in any applicable non-English language: (1) oral language services; (2) translated notices and SBCs upon request; and (3) taglines on notices and SBCs indicating how to access the language services provided by the plan or issuer.¹ These regulations specify that a non-English language is an applicable non-English language, with respect to an address in any United States county to which a notice is sent, if ten percent or more of the population residing in the county is literate only in the same non-English language, as determined in guidance published by the Secretary.

The Departments of Labor, Health and Human Services, and the Treasury (the Departments) previously published guidance identifying Spanish, Chinese, Tagalog, and Navajo as applicable non-English languages in which plans and issuers must provide oral language services, translated notices upon request, and taglines on notices, if sent to certain U.S. counties.²

In November 2023, the Departments published updated guidance identifying four additional languages (Pennsylvania Dutch, Samoan, Carolinian, and Chamorro) that meet the ten percent threshold based on recent U.S. Census data.³ As such, plans and issuers must provide oral language services, translated SBCs upon request, and taglines on SBCs in those four additional languages, if sent to certain U.S. counties. This guidance is applicable beginning with plan years beginning on or after January 1, 2025.⁴

As a non-material/non-substantive change request, the Department of Labor is incorporating four additional taglines in Pennsylvania Dutch, Samoan, Carolinian, and Chamorro into the English SBC Template.

¹ 26 CFR 54.9815-2715(a)(5), 29 CFR 2590.715-2715(a)(5), and 45 CFR 147.200(a)(5)

² CLAS County Data (January 2016), available at <https://www.cms.gov/CCIIO/Resources/Fact-Sheets-and-FAQs/Downloads/CLAS-County-Data-Jan-2016-update-FINAL.pdf>.

³ See FAQs about Affordable Care Act and Consolidated Appropriations Act, 2021 Implementation Part 63 (November 28, 2023), available at <https://www.cms.gov/files/document/faqs-part-63.pdf>.

⁴ County Data for Culturally and Linguistically Appropriate Services (CLAS County Data), November 2023, available at <https://www.cms.gov/files/document/clas-county-data-2023.pdf>

OMB Control Number 1210-0147 is scheduled to expire on May 31, 2025. The Department is not making any other changes to the form.