

DELIVERING THE SUMMARY OF BENEFITS AND COVERAGE (SBC) IN A CULTURALLY AND LINGUISTICALLY APPROPRIATE MANNER

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The Affordable Care Act (ACA) requires that group health plans and health insurance issuers deliver certain notices, like the Summary of Benefits and Coverage (SBC), to plan participants and beneficiaries in a culturally and linguistically appropriate manner. This requirement applies regardless of grandfathered status. In short, the group health plan and health insurance issuer must make certain accommodations when delivering an SBC to an address in a county identified by the Census Bureau as having 10 percent or more of its population literate in only Spanish, Chinese, Tagalog or Navajo.

The Department of Health and Human Services (HHS) Center for Consumer Information and Insurance Oversight (CCIIO) released the most recent culturally and linguistically appropriate services (CLAS) county data in November 2023. Texas has 57 counties in which 10 percent or more of the population is literate only in Spanish. This CLAS county data is available on the CCIIO website. [Learn more.](#)

IN THE FOLLOWING TEXAS COUNTIES, 10 PERCENT OR MORE OF THE POPULATION IS LITERATE ONLY IN SPANISH:

Andrews	Dimmit	Karnes	Swisher
Atascosa	Duval	Kinney	Terry
Bailey	Ector	Knox	Titus
Bexar	El Paso	La Salle	Uvalde
Brooks	Frio	Maverick	Val Verde
Caldwell	Garza	Moore	Waller
Cameron	Glasscock	Ochiltree	Webb
Castro	Gonzales	Parmer	Willacy
Cochran	Hansford	Pecos	Winkler
Concho	Harris	Presidio	Yoakum
Crane	Haskell	Reagan	Zapata
Culberson	Hemphill	Reeves	Zavala
Dallam	Hidalgo	Sherman	
Dallas	Hudspeth	Starr	
Deaf Smith	Jim Hogg	Sutton	

EMPLOYER ACTION REQUIRED

Any employer sponsoring a group health plan should ensure, whether working with a third-party administrator (TPA) or insurer, that any SBC notice that is delivered to individuals residing in one of the identified counties on the CLAS county data list includes the following accommodations. For purposes of this tip, we will assume the individual is in Texas and thus, Spanish is the specific language accommodation being requested.

- Include, in the English version of the SBC, a one-sentence statement prominently displayed in Spanish that clearly communicates how the individual can access language assistance services (typically provided by the insurer for a fully insured plan). This statement should be included on the page of the SBC with the “Your Rights to Continue Coverage” and “Your Grievance and Appeals Rights” sections. Only upon request must a full written translation of the SBC be provided in Spanish.

The one-sentence statement is:

Spanish (Español): Para obtener asistencia en Español, llame al [insert telephone number].

- Sample model language is available in the 2019 English version of the SBC template for use beginning with open enrollment periods occurring on or after January 1, 2021. [Learn more.](#)
- Only if requested by a plan participant, provide the SBC in Spanish within seven business days. The Spanish translation, as well as other languages including Chinese, Tagalog and Navajo, of both the 2016 and 2017 versions of the SBC template are available on the CCIIO website. [Learn more.](#)

BEST PRACTICES

Obviously, it is administratively burdensome to research every employee’s home address. Arguably, since SBCs are primarily delivered at an employer’s location, many plan sponsors choose to reference the county in which the employer is located to determine whether the above accommodations are required.

However, a conservative approach would be to reference the county where the employer’s office is located as well as any surrounding counties in the CLAS county data list where employees may reside. If the county where the employer’s office is located or a surrounding county is identified in the CLAS county data list, then the employer should include the Spanish statement in its English version of the SBC regarding how to access language services and provide Spanish translations of the SBC upon request.

RECENT DEVELOPMENTS

On November 11, 2019, HHS, DOL and Department of the Treasury (the Departments) released the final templates for the Summary of Benefits and Coverage (SBC) and uniform glossary. The revised SBC template will not be used until the first open enrollment period that begins on or after January 1, 2021. Thus, calendar year plans will not be required to use the revised template until open enrollment relating to coverage beginning on January 1, 2021.

RESOURCES

Final Rule	https://www.federalregister.gov/documents/2015/06/16/2015-14559/summary-of-benefits-and-coverage-and-uniform-glossary
Fact Sheet	https://www.cms.gov/CCIIO/Resources/Fact-Sheets-and-FAQs/Downloads/Fact-Sheet_SBCFinalRule-6-11-15-MM-508.pdf
SBC Templates, Sample Completed SBCs, Uniform Glossary, Instructions	https://www.dol.gov/agencies/ebsa/laws-and-regulations/laws/affordable-care-act/for-employers-and-advisers/summary-of-benefits
Uniform Glossary of Coverage and Medical Terms	https://www.dol.gov/sites/dolgov/files/EBSA/laws-and-regulations/laws/affordable-care-act/for-employers-and-advisers/sbc-uniform-glossary-of-coverage-and-medical-terms-new.pdf
2023 Culturally and Linguistically Appropriate Services (CLAS) County Data	https://www.dol.gov/sites/dolgov/files/ebsa/laws-and-regulations/laws/affordable-care-act/for-employers-and-advisers/clas-county-data-2023.pdf
FAQs About the Affordable Care Act Implementation Part VIII	https://www.dol.gov/sites/dolgov/files/EBSA/about-ebsa/our-activities/resource-center/faqs/aca-part-viii.pdf

For questions relating to delivering the SBC in a culturally and linguistically appropriate manner, please contact your dedicated Frost Insurance advisor or call us at (866) 227-2099. If you're not currently working with a Frost advisor on your business insurance needs, give us a call. We'd love to earn your business.

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