



August 26, 2013

Dear Employer:

On March 23, 2010, the President signed into law the Patient Protection and Affordable Care Act (ACA). Effective January 1, 2014, all U.S citizens and legal residents will be required to have or obtain qualifying health insurance coverage or pay a tax penalty unless they meet certain criteria and receive an exemption from this requirement.

There are several ways in which individuals can have or obtain qualifying health insurance coverage. Many individuals will have coverage through an employer or a spouse's employer. Coverage provided by the Veterans Administration, Medicare, Medical Assistance, and MinnesotaCare will also be considered qualifying health insurance coverage. Beginning in October 2013, Minnesotans will also be able to shop for qualifying coverage through MNSure, Minnesota's new health insurance Marketplace. MNSure is a Marketplace created pursuant to the ACA where individuals can obtain health insurance and potentially qualify for Medical Assistance, MinnesotaCare, and tax credits to make premiums and cost sharing more affordable.

Small employers with 50 or less employees may also choose to provide coverage to their employees through MNSure. Some small employers may also qualify for premium tax credits that will only be available through Marketplaces such as MNSure.

Our purpose in writing to you is to remind you that employers are required to inform their employees about the existence of Marketplaces such as MNSure. More specifically, as required by Section 18B "Notice to Employees" of the ACA, employers to which the Fair Labor Standards Act (FLSA) applies must provide to each employee written notice of the following:

1. Information about the existence of the Marketplace including a description of the services provided by the Marketplace, and the manner in which the employee may contact the Marketplace to request assistance;
2. If the employer offers coverage and the employer plan's share of the total allowed costs of benefits is less than 60 percent of such costs, that the employee may be eligible for a premium tax credit under section 36B of the Internal Revenue Code (the Code) if the employee purchases a qualified health plan through the Marketplace; and
3. If the employee purchases a qualified health plan through the Marketplace, the employee may lose the employer contribution (if any) to any health benefits plan offered by the employer and that all or a portion of such contribution may be excludable from income for Federal income tax purposes.

According to guidance from the U.S. Department of Labor, this notice must be provided by October 1, 2013 (see <http://www.dol.gov/ebsa/newsroom/tr13-02.html>).

We appreciate you may have questions about this notice and other issues related to MNsure. We are pleased to share a new set of resources for employers with you, including a model notice that you may choose to use as the basis of communication with your employees. Two versions of model notice language are available as resources to you on the MNsure website at <http://mnsure.org/hix/how-work/employer-info.jsp>. One model notice is for employers who offer health insurance coverage to some or all of their employees and the second model notice is for employers who do not offer health insurance coverage. Employees can access MNsure at [www.MNsure.org](http://www.MNsure.org) and may reach MNsure's Contact Center beginning September 3, 2013 at 1-855-3MNsure (1-855-366-7873).

The model notices also include a form that would be useful for employers to complete and share with their employees. Employees will need information provided on this form if they want to apply for premium tax credits or MinnesotaCare through MNsure. Employers that offer health insurance coverage may need information from their health insurance carrier or broker to complete this form.

Thank you for your assistance in helping Minnesotans understand and access their options for obtaining health insurance. Please contact MNsure's Contact Center starting September 3, 2013 at 1-855-3MNsure (1-855-366-7873) if you have any questions about this letter or visit [www.MNsure.org](http://www.MNsure.org) for additional information.

Sincerely,



April Todd-Malmlov  
Executive Director  
MNsure



Lucinda Jesson, JD  
Commissioner  
Minnesota Department of Human Services