



## Frequently Asked Questions

### Department of Labor Claims Regulations Final Rule

#### Citation & Background

29 C.F.R. § 2560.503–1 generally requires claim administrators for ERISA covered policies to provide certain procedures and disclosures to a claimant, and to help ensure that claimants receive a full and fair review of any denied claim. On December 16, 2016, the Department of Labor announced the release of a Final Rule, which adds additional procedures to the original rule for disability claims.

#### Overview of Changes

- The Final Rule requires certain assurance that claims decisions are made independently and impartially
- The Final Rule requires additional information to be included in each benefit denial notice and appeal denial notice regarding the claim administrator's rationale, standards, reasons, internal rules or protocols used to deny a claim, and the claimant's right to a copy of the claim file
- The Final Rule requires notice to be included in non-English languages if 10% or more of the county population speaks that language
- The Final Rule requires additional notification to the claimant when new or additional evidence is considered, relied upon, or generated during the course of an appeal
- The Final Rule requires greater disclosure on the date by which a claimant must file suit in order to contest a denied claim

#### Effective Date

While the Final Rule became effective January 18, 2017, the rule is only applicable to disability claims filed on or after January 1, 2018.

#### Products Impacted

The Rule applies to all ERISA covered disability claims, including most of Guardian's Short Term Disability, Long Term Disability products, and ASO disability plans. There is no difference in compliance between fully insured and self-funded claims.

#### Guardian Steps

Guardian is in the process of evaluating its processes and forms and making any changes necessary to be in compliance with the Final Rule. Many of Guardian's processes already comply with the rule. Guardian plans on implementing any and all required form and process changes in time for claims filed January 1, 2018.