

# HEAVY AND GENERAL LABORERS' FUNDS OF NEW JERSEY

## Local 472 . Local 172

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## IMPORTANT NOTICE

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**This is an important notice describes important benefit changes that are being made to the Heavy and General Laborers' Local Union 472 and Local Union 172 Plant 26 of New Jersey Welfare Fund.**

Please take the time to read this Notice carefully, and keep it with your copy of the Heavy and General Laborers' Local Union 472 and Local Union 172 Plant 26 of New Jersey Welfare Fund's January 1, 2016 Summary Plan Description ("SPD").

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### **ADDITION OF COVERAGE FOR ABA THERAPY**

The Trustees are pleased to announce that, as of January 1, 2022, they improved your Plan benefits by adding coverage for ABA therapy to the Plan under the terms described below.

On and after January 1, 2022, the Plan covers ABA therapy as medically necessary. Coverage for ABA therapy is subject to the general terms and conditions of the Plan and is both In-Network and Out-of-Network (up to the Plan's Allowed Amount). Additionally, the usual cost-sharing provisions applicable to each benefits class will apply to ABA therapy benefits.

As a result of this benefit improvement, effective January 1, 2022, your SPD reflects the following changes:

- The following exclusion in the General Exclusions section found on pg. 27 of the SPD is removed in its entirety:  
"G. Charges for counseling or psychotherapy in connection with developmental delay or learning disabilities.
- The following exclusion in the General Exclusions (applicable to all medical services and supplies) section found on pg. 30, subsection B of the SPD is removed in its entirety:  
"11. Device/programs/services for behavioral training, including intensive intervention programs for behavior change and/or developmental delays or auditory perception or listening/learning skills.
- The following exclusion in the Exclusions applicable to Specific Medical Services and Supplies section found on pg. 31, subsection B of the SPD is amended to read as:  
"2. Expenses for Behavioral Health Care services related to:  
➤ This exclusion does not apply to medically necessary ABA therapy"

- The visitation limits for occupational, physical and speech therapy as found on pg. 40-41 of the SPD are removed.
- The following limitation on speech therapy on page 41 of the SPD is removed:  
“School age children must utilize the benefits provided by the Board of Education”
- The definition of ABA Therapy in the Glossary section on pg. 70 of the SPD is included to read as follows;  
“**Applied Behavior Analysis (ABA) Therapy:** The design, implementation, and evaluation of environmental modifications to attempt to produce socially significant improvement in human behavior. ABA includes the use of direct observation, measurement, and functional analysis of the relationship between the environment and behavior. ABA strives to improve speech and social interaction skills and reduce disruptive behavior and includes instruction in a range of skills including speech, motor and socialization.”

If you have any questions regarding the information in this Notice, please contact the Fund Office.

#### **Notice of Grandfathered Health Plan Status**

The Heavy and General Laborers’ Local Union 472 and Local Union 172 Plant 26 of New Jersey Welfare Fund believes this is a “grandfathered health plan” under the Patient Protection and Affordable Care Act (the Affordable Care Act). As permitted by the Affordable Care Act, a grandfathered health plan can preserve certain basic health coverage that was already in effect when that law was enacted. Being a grandfathered health plan means that your plan may not include certain consumer protections of the Affordable Care Act that apply to other plans, for example, the requirement for the provision of preventive health services without any cost sharing. However, grandfathered health plans must comply with certain other consumer protections in the Affordable Care Act, for example, the elimination of lifetime limits on benefits.

Questions regarding which protections apply and which protections do not apply to a grandfathered health plan and what might cause a plan to change from grandfathered health plan status can be directed to the plan administrator at (973) 589-5050. You may also contact the Employee Benefits Security Administration, U.S. Department of Labor at 1-866-444-3272 or [www.dol.gov/ebsa/healthreform](http://www.dol.gov/ebsa/healthreform). This website has a table summarizing which protections do and do not apply to grandfathered health plans.

This Notice is intended to provide you with an easy-to-understand description of certain important changes, updates and clarifications to the Fund’s plan of benefits and rules. While every effort has been made to make this description as complete and accurate as possible, this Notice, of course, cannot contain a full restatement of the terms and provisions of the plan. For a full description of your rights under the Fund, please refer to the plan documents (including the SPD).

The Board of Trustees reserves the right, in its sole and absolute discretion, to amend, modify or terminate the Fund, or any benefits provided under the Fund, in whole or in part, at any time and for any reason, in accordance with the amendment procedures established under the plan and the trust agreement establishing the plan. The formal plan documents and trust agreement are available at the Fund Office and may be inspected by you during normal business hours. No individual other than the Board of Trustees (or its duly authorized designee) has any authority to interpret the plan documents, make any promises to you about benefits under the plan, or to change any provision of the plan. Only the Board of Trustees (or its duly authorized designee) has the exclusive right and power, in its sole and absolute discretion, to interpret the terms of the plan and decide all matters arising under the plan.