

ERISA COMPLIANCE CALENDAR



UNDER 50 SELF-FUNDED PLAN | PLAN YEAR: DECEMBER 1, 2022

| DEADLINE | TOPIC / DOCUMENT | EXPLANATION | DETAILS |
|---------------------|-------------------------------|--|--|
| Upon Hire | Notice of Coverage Options | Employers subject to the Fair Labor Standards Act (FLSA) must provide a written notice informing the employee of the existence of the Marketplace, the potential availability of a tax credit and that an employee may lose the employer contribution if the employee purchases a qualified health plan. | Distribute this notice about Health Insurance Marketplace options to all new employees within 14 days of the date of hire. |
| When first eligible | SBCs for all coverage options | A template that describes the benefits and coverage under the plan and a uniform glossary defining statutorily and NAIC recommended terms. The SBC must include an internet address where an individual can review the Uniform Glossary as well as contact information for obtaining a paper copy. There is a new template to be used on or after 1/1/2021. https://www.dol.gov/sites/dolgov/files/EBSA/laws-and-regulations/laws/affordable-care-act/for-employers-and-advisers/sbc-template-new.pdf | When an employee is first eligible for coverage, employer must provide a copy of an SBC for each plan option. |
| When first eligible | Enrollment Notices | Federal law requires health plans to send a variety of notices to participating employees and dependents, usually concerning their rights under the health plan. | Provide notices to all new employees who are eligible to enroll in the health plan. |
| Upon Enrollment | COBRA Initial Notice | Notice of the right to purchase temporary extension of group health coverage when coverage is lost due to a qualifying event. | Provide to any employee within 90 days after enrollment in a plan subject to COBRA - medical, dental, vision, health FSA. NOTE: spouse must receive the notice within 90 days - delivery to employee does not satisfy delivery to spouse. |
| Upon Enrollment | Summary Plan Descriptions | Primary vehicle for informing participants and beneficiaries about their plan and how it operates. Must be written for average participant and be sufficiently comprehensive to apprise covered persons of their benefits, rights, and obligations under the plan. Must accurately reflect the plan's contents as of the date not earlier than 120 days prior to the date the SPD is disclosed. | Provide an SPD for each benefit in which the employee enrolled and/or a wrap summary plan description. The SPD must be provided within 90 days of enrollment. |
| During Plan Year | Nondiscrimination Testing | Tests are required to be completed by qualified plans and ERISA-403(b) accounts to ensure that plan benefits/contributions do not discriminate in favor of officers, shareholders, employees whose principal duties consist in supervising the work of other employees, or highly compensated employees. | Perform nondiscrimination testing to ensure that all plans pass - should be done prior to the end of the plan year so that adjustments can be made if necessary. |

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| Quarterly | Self-Administered HRA: CMS Reporting Requirement | Self-administered and self-insured HRAs with annual benefit levels of \$5,000 or more that cover Medicare-eligible individuals must electronically file a quarterly report to the Centers for Medicare and Medicaid Services (CMS) pursuant to the Medicare Secondary Payment provisions. | HRA coverage must be reported on a quarterly basis if its annual benefit is \$5,000 or more. |
| 1/1/2022 | Transparency in Coverage Cost-Sharing Disclosures | Plans and issuers must make public machine-readable files disclosing in-network rates, out-of-network allowed amounts and billed charges. Final Rules also require plans and policies to publish negotiated rates and historical net prices for covered prescription drugs in three separate machine-readable files. | Enforcement is deferred for in-network and out-of-network rates until December 1, 2022. |
| 2/1/2022 | Notice to CMS of Creditable Coverage status of prescription drug plan | Entities that provide prescription drug coverage to Medicare Part D eligible individuals must disclose to CMS whether the coverage is "creditable prescription drug coverage". This disclosure is required whether the entity's coverage is primary or secondary to Medicare. Status must be disclosed using the online form. | Disclosure to CMS Form * |
| 2/1/2022 | Summary of Material Modifications | Describes material modifications to a plan and changes in the information required to be in the SPD. Distribution of updated SPD satisfies this requirement. | If plan changes are a material reduction in coverage, SMM must be distributed within 60 days of the start of the plan year; otherwise distribution is not required until 210 days after the end of the plan year. |
| 2/28/2022 | Filing of Health Coverage Statement | Last day for forms to be mailed to IRS. | Submit Form 1094-B along with all 1095-Bs that were issued to the IRS in paper format or in electronic format by 3/31. |
| 3/2/2022 | Health Coverage Statement | Form 1094-B is the transmittal form that must be filed with the Form 1095-B. Form 1095-B is used to report certain information to the IRS and to taxpayers about individuals who are covered by minimum essential coverage. | Issue Form 1095-B to each employee or former employee covered under the plan during the prior calendar year. |
| 3/31/2022 | Federal Employer Reporting Requirements | Applicable large employers and small employers with self-funded coverage, must send health-care coverage returns to the Federal Government for the 2021 Tax Year. Filers will transmit coverage returns through the IRS AIR system. Forms are due on this date. | Use IRS form 1095-B to communicate health insurance information to the IRS. |

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| 3/31/2022 | NJ Employer Reporting Requirements | Applicable large employers and all other providers of Minimum Essential Coverage to New Jersey residents, including small employers with self-funded coverage, must send health-care coverage returns to the State for the 2021 Tax Year. Filers will transmit coverage returns through New Jersey's system for processing W-2 forms. Out-of-State employers who employ New Jersey residents have the same filing requirements as in-State businesses. These requirements are not limited to businesses that withhold New Jersey payroll taxes. If you are an out-of-State employer, you must ensure that you provide any required 1095 document for each New Jersey resident you employ. | Use IRS form 1095-B to communicate health insurance information to the state, in addition to the federal responsibilities to FT employees and to the IRS. Other states may follow. |
| 7/1/2022 | PCORI Fee covered life calculations | The Patient-Centered Outcomes Research Institute (PCORI) fee requires employers with self-insured group health plans, including Health Reimbursement Arrangements (HRAs), to pay an annual fee to fund medical research. The PCORI fee has been extended for 10 years, meaning that plan sponsors of self-insured plans will have to continue to pay this fee until 2029 or 2030, depending on the plan year. The amount due per life covered under a policy will continue to be adjusted annually. Employers sponsoring an applicable self-insured plan multiply the fee by the average number of lives covered under the plan. | On or near the deadline, begin to calculate the number of covered lives in preparation of Form 720 and fee transmittal. |
| 7/31/2022 | PCORI Fee Filing | The PCORI fee is due by July 31 of the year following the calendar year in which the plan/policy year ends, although July 31 falls on a Sunday, so for this year the due date is 8/1. | The fee must be reported and paid using IRS Form 720, Quarterly Federal Excise Tax Return. |
| 10/14/2022 | Notice of Creditable or Noncreditable Prescription Drug coverage | Notice to Medicare-eligible individuals identifying whether the plan's prescription drug coverage is creditable coverage, meaning the coverage is expected to pay, on average, as much as the standard Medicare prescription drug coverage. The notice also explains the penalties (increased cost for coverage and delayed effective date) applied to certain individuals who delay Part D enrollment if they have a gap in creditable coverage of 63 days or more. | Distribute 2022 notice to employees and dependents who are eligible for Medicare, unless this notice has already been distributed. |

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| 11/1/2022 | Plan Documents (wrap and cafeteria plan) | The plan administrator must furnish copies of certain documents upon written request and must have copies available for examination. The documents include the latest updated SPD, trust agreement, and other instruments under which the plan is established or operated. | On or near this date, begin to update documents to reflect any changes made for 2022. |

Links:

*Disclosure to CMS: <https://www.cms.gov/Medicare/Prescription-Drug-Coverage/CreditableCoverage/CCDisclosureForm.html>

NOTE: The information in this calendar is current as of the date found in the footer but may be subject to change. The calendar is not intended to be an all-inclusive list of all compliance requirements for the employer's group health plan. It is a general calendar of specific requirements with deadlines to assist the employer in complying with the laws that apply to its group health plan. Please contact your Account Manager with any questions.