

Benefits Notices: Employers With 1-19 Employees

For companies with **1-19 employees**, this chart provides an overview of key required benefits notices and filings for employers and plan administrators under federal law. Please note that your company may be exempt from certain requirements and/or subject to additional obligations under your state's laws. Employers are encouraged to contact the [U.S. Department of Labor](http://www.dol.gov) or a knowledgeable employment law attorney for further guidance.

Employee Retirement Income Security Act (ERISA) Notices

| Notice | Provide To | When Due |
|---|--|--|
| Summary Plan Description (SPD) <i>(Model notice unavailable)</i> | Group health plan participants | Within 90 days after the employee becomes a participant in the plan An updated SPD must be furnished every 5 years if changes are made to SPD information or the plan is amended (otherwise, it must be furnished every 10 years) |
| Summary of Material Modifications (SMM) and Summary of Material Reduction in Covered Services or Benefits <i>(Click on the SMM link above for model notices)</i> | Group health plan participants | No later than 210 days after the end of the plan year in which the change is adopted, for material changes to the plan that do not result in a material reduction in covered services or benefits Within 60 days of adoption of a material reduction in covered services or benefits (alternatively, notice may be provided with plan information that is furnished at regular intervals of not more than 90 days, if certain conditions are met) |
| Plan Documents (e.g., SPD, any SMMs, and other documents under which the plan is established or operated) <i>(Model notice unavailable —plan documents are specific to each plan)</i> | Group health plan participants & beneficiaries | <u>Note:</u> Timely distribution of a "Notice of Modification" (below) may satisfy these requirements. Copies must be furnished within 30 days of a written request, and the plan administrator must make copies available for examination at its principal office (the DOL can also request any documents relating to the plan) |

Health Care Reform Notices

| Notice | Provide To | When Due |
|--------|------------|----------|
|--------|------------|----------|

Notice

Provide To

When Due

[Forms 1094-B \(Transmittal\)](#) and [1095-B \(Health Coverage\)](#)

Responsible individuals enrolled in **self-insured** coverage (may be the primary insured, employee, former employee, or other related person named on the application)

(Click on the links above for the forms)

Note: For self-insured employers only.

The IRS has provided an **alternative method** of furnishing Form 1095-B. Under the alternative method, a reporting entity must post a clear and conspicuous notice on its website stating that responsible individuals may receive a copy of their statement **upon request**.

Forms 1094-B and 1095-B must be electronically filed with the IRS annually, no later than March 31 (or Feb. 28, if filing on paper). Electronic returns for 2023 must be filed by March 31, 2024; however, since this is a Sunday, electronic returns must be filed by the next business day, which is **April 1, 2024**.

Note: Beginning in 2024, reporting entities that file **at least 10 returns** during the calendar year **must file electronically**. Reporting entities must aggregate most information returns, such as Forms W-2 and 1099, to determine if they meet the 10-return threshold for mandatory electronic filing.

[Health Insurance Exchange Notice](#)

(There is one model notice for employers who offer a health plan to some or all employees, and another model notice for employers who do not offer a plan—click on the link above to access)

All new employees

Within 14 days of an employee's start date

Must be provided at specified times during the enrollment process and upon a participant or beneficiary's request, generally as follows:

[Summary of Benefits and Coverage \(SBC\) & Uniform Glossary](#)

Group health plan participants & beneficiaries

(Click on the link above for a list of all available templates and related documents)

- **Prior to initial enrollment** in the plan;
- Upon **renewal** of plan coverage;
- **Within 90 days** of special enrollment; and
- **Within 7 business days** following receipt of a request

(The SBC may be provided together with other summary materials such as an SPD, if the SBC information is intact, prominently displayed at the beginning of the materials, and in accordance with the timing requirements for providing an SBC.)

No later than 60 days prior to the effective date of a material plan or coverage change that would affect the content of the SBC and that occurs other than in connection with a renewal or reissuance of coverage

[Notice of Modification](#)

Group health plan participants & beneficiaries

(Model notice unavailable)

Note: A complete & timely notice may also satisfy the requirement to provide an SMM.

[Disclosure of Grandfathered Status](#)

Group health plan participants & beneficiaries

(Click on the link above for model notices)

In any plan materials for a grandfathered group health plan provided to a participant or beneficiary describing the benefits provided under the plan

| Notice | Provide To | When Due |
|---|---|---|
| Notice of Patient Protections (Click on the link above for model notice) | Group health plan participants | Whenever a participant in a plan requiring or providing for the designation of a participating primary care provider is furnished an SPD or other similar description of plan benefits |
| Patient-Centered Outcomes Research Institute (PCORI) Fees | Filed with the Internal Revenue Service | IRS Form 720 must be filed annually by plan sponsors of certain self-insured health plans , no later than July 31st of the calendar year immediately following the last day of the plan year to which a fee applies |

Health Insurance Portability and Accountability Act (HIPAA) Notices

| Notice | Provide To | When Due |
|--|--|--|
| Notice of Special Enrollment Rights (Click on the link above for model notice) | Employees eligible to enroll in the employer's group health plan | At or before the time an employee is initially offered the opportunity to enroll in the plan |
| Wellness Program Disclosure (Click on the link above for model notice) | Group health plan participants & beneficiaries eligible to participate in a health-contingent wellness program | <p>In all plan materials that describe the terms of a health-contingent wellness program (both activity-only and outcome-based wellness programs). For outcome-based wellness programs, this notice must also be included in any disclosure of an individual's failure to satisfy an initial outcome-based standard.</p> <p>If the plan materials merely mention that a program is available, without describing its terms, this disclosure is not required.</p> <p>Fully insured group plans that create or receive PHI in addition to summary health information and enrollment information must maintain a notice and provide it to any person upon request. Other health plans must provide the notice as follows:</p> <p>To new enrollees: At the time of enrollment</p> <p>To individuals covered by the plan: Within 60 days of a material revision to the policy (special rules apply for website notice postings)</p> <p>A health plan also must notify individuals covered by the plan of the availability of, and how to obtain, the notice at least once every 3 years, and make it available to any person who asks for it.</p> |
| Notice of Privacy Practices (Click on the link above to download model notices in 4 different formats) | Individuals enrolled in the plan | |
| Note: Fully insured group health plans that do not create or receive protected health information (PHI)—other than summary health and enrollment information—are not required to develop this notice. | | |

Special Health Care Notices

| Notice | Provide To | When Due |
|--------|------------|----------|
|--------|------------|----------|

| Notice | Provide To | When Due |
|---|--|--|
| Surprise Billing Notice | Plan participants, beneficiaries and enrollees | Must be made publicly available, posted on a public website, and included on each applicable explanation of benefits. |
| <i>(Click on the link above for model notice)</i> | | Note: Insurers can contractually agree to fulfill the disclosure requirement for fully insured plans. Self-insured plans may agree with insurers, TPAs or PBMs to assist in fulfilling these requirements, but the plan must monitor the other party to ensure compliance. A health plan that does not have its own website can satisfy the requirement to post the notice by entering into a written agreement where its issuer or TPA agrees to post the notice on a public website where information is normally made available to plan participants on the plan's behalf. |
| Women's Health & Cancer Rights Act (WHCRA) Notices | Group health plan participants & beneficiaries | Upon enrollment in a plan that provides coverage for medical and surgical benefits related to a mastectomy, and annually thereafter |
| <i>(Click on the link above for model notices)</i> | | Upon request for a plan offering medical/surgical benefits and mental health or substance use disorder benefits |
| Mental Health Parity & Addiction Equity Act (MHPAEA) Disclosure | Any current or potential group health plan participant, beneficiary, or contract provider | Note: Certain plans that are exempt from the MHPAEA requirements based on increased cost may be subject to alternative disclosure rules. |
| <i>(Model notice unavailable)</i> | | |
| Employer Children's Health Insurance Program (CHIP) Notice | All employees in states with group health plan premium assistance | Annually before the start of each plan year (may be provided with enrollment packets, open season materials, or the SPD) |
| <i>(Click on the link above for model notice)</i> | | |
| Michelle's Law Notice | Group health plan participants | With any notice regarding a student status certification requirement under a plan that bases coverage eligibility on student status (and that provides dependent coverage beyond age 26) |
| <i>(No model notice provided by the federal government. Sample notice available by clicking on the link above for general reference purposes only.)</i> | | |
| Newborns' and Mothers' Health Protection Act Notice | Group health plan participants | Must be included in the SPD for a plan providing maternity or newborn infant coverage |
| <i>(Click on the link above for model notice)</i> | | |
| Medicare Part D Creditable Coverage Disclosure Notice or Non-Creditable Coverage Disclosure Notice | Medicare-eligible individuals (including certain dependents) who are offered prescription drug coverage under the employer's group health plan | Annually prior to October 15th, upon request, and at various other times as required under the law An online disclosure to the Centers for Medicare & Medicaid Services (CMS) is also required annually, no later than 60 days from the beginning of a plan year, and at certain other times |
| <i>(Click on the links above for model notices. Word versions unavailable.)</i> | | |

Notice

Provide To

When Due

[Genetic Information
Nondiscrimination Act
\(GINA\) Disclosures](#)

(The link above contains model "warning" language from the federal government as well as a sample general disclosure, which may be used for general reference purposes only.)

Entities from whom requests for health-related information are made—only applicable to requests by employers with 15 or more employees

Whenever an applicant or employee is sent for a medical examination by an employer with 15 or more employees

An additional "warning" is required when requests for health-related information are made by employers with 15 or more employees (e.g., to support an employee's request for reasonable accommodation or a request for sick leave), but only if the request for medical documentation is made in a way that is likely to result in receipt of genetic information

[ADA Notice Regarding
Wellness Program](#)

(Click on the link above for sample notice)

All employees offered participation in a wellness program that collects employee health information—only applicable to employers with 15 or more employees

Must be provided before the employee provides any health information, with enough time for the employee to decide whether to participate in the program

[Uniformed Services
Employment and
Reemployment Rights Act
\(USERRA\) Notice](#)

(Click on the link above for model notice)

All employees

May be posted where employers customarily place notices for employees

[Qualified Small Employer
HRA \(QSEHRA\) Notice](#)

(No model notice provided by the federal government.)

Eligible employees of employers that had fewer than 50 full-time employees in the preceding calendar year, that do not offer a group health plan, and that fund a QSEHRA

Generally no later than 90 days before the beginning of the year in which the QSEHRA is funded

[Individual Coverage HRA
Notice](#)

(Click on the link above for model notice)

Eligible employees that are not offered traditional group health plan coverage

Generally no later than 90 days before the beginning of the Individual Coverage HRA plan year



(215)355-2121 • [WWW.TOTALBENEFITS.NET](http://www.totalbenefits.net)
WE WORK FOR YOUR BENEFIT