

Compliance News to Know



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In 2024, PGIS Compliance is offering a 45- minute, monthly webinar on the 2nd Wednesday of each month at 1 pm EST. This series will review essential group health plan (Plan) content with an eye on regulatory obligations & deadlines. Webinar topics below; register to the right.

February 14 – ACA Reporting

March 13 – ERISA – Part 1 - Essentials
April 10 – ERISA – Part 2 – Plan Docs. 101
May 8 – ERISA Part 3 – Plan Docs. 201
June 12 – Federal Family & Medical Leave Basics
July 10 – The CAA Revisited – Part 1
August 14 – The CAA Revisited – Part 2
September 11 – Cafeteria Plans & Nondiscrimination Testing
October 9 – HIPAA Privacy for Plans
November 13 – HIPAA Security for Plans
December 11 – A Look Ahead at 2025

Benefits Watch Webinar Series

*1 pm EST on the 2nd
Wednesday each month*

- February 14 – ACA Reporting
- March 13 – ERISA Essentials

[*Register Here!*](#)

Upcoming Deadlines

- **February 28** – Paper filing deadline -1094/1095 Series*
- **February 29** – Medicare Part D Disclosure due to CMS
- **March 1** – File Form M-1 for MEWAs
- **March 1** – Furnish 1094/1095 forms to individuals.
- **April 1** - Electronic filing deadline – 1094/1095 Series

Access the [2024 Benefits Compliance Checklist](#) or ask your Patriot Advisor!

**Most Plans must file electronically*

February 14th Webinar: ACA Reporting

Under the Affordable Care Act (ACA), employers who sponsor Plans must meet regulatory obligations related to the structure and function of their Plans. Certain Plans must verify offers meet Minimum Essential Coverage (MEC) & affordability guidelines. Most Plans must file either Form 1094 or Form 1095, depending on various criteria. Tune in at 1 pm EST on February 14th for a rundown of essentials and learn the new criteria applicable to this year's filing before the leap-year-adjusted deadlines.

The Rundown

Reminder of AHP Rule Recission

In late 2023, the EBSA proposed to rescind the 2018 Association Health Plan Rule outlining alternative factors to establish an AHP. The DOL now finds portions of the rule "unreasonable" and is accepting comments until February 20th.



- IRS' Employer's [Tax Guide](#) to Fringe Benefits
- Form 5500, etc. now on [EFAST2 Website](#)
- Form [5558 postponed for electronic filing](#) until January 1, 2025
- *Independent Contractor v. Employee* [FAQ](#) – Rule Effective March 11th
- DOL Releases [Updated CHIP Model Notice](#) – Review each state's website, links within the Model Notice



DOL Increases Civil Monetary Penalties

The Department of Labor (DOL) released its annual inflation adjustments to civil monetary penalties, effective January 15, 2024.

As expected, the DOL doesn't take lightly failures to notify participants or file the Form 5500, with each penalty over \$2,000. For MEWAs, failing to file the Form M-1 brings a \$1,942 penalty.

In assessing the potential impact of suspected violations, confirm when the alleged violation occurred to apply the appropriate penalty.

Review the [full penalty list](#) at Thomson Reuters Practical Law.

Mental Health is Priority in 2024

By Olivia Ash



From grassroots efforts to engage citizens to the U.S. Surgeon General's call to action, care for mental wellbeing is paramount and will affect employers' Plans design & administration.

Actions towards employer behavior change began with Consolidated Appropriations Act of 2021 (CAA) legislation. Now, with a 2023 proposed rule that strengthens mental health parity analyses of Nonquantitative Treatment Limits (NQTLs), employers must ensure parity between medical & surgical benefits & mental health and substance misuse services.

Even after two years of enforcement audits, advocating for mental health parity remains an uphill battle for consumers and poses increased costs and administrative burdens for employers.

Find [employer tools & resources](#) at the DOL's Employee Benefits Services site.

Did you Know?

Many penalties are assessed not as one-time violations but accumulate each day a required form is past due. Regularly verify Plan deadlines with your Advisor.

The DOL's FMLA Refresher

The DOL's reminding employers & employees about leave resources likely due in part to expanded state paid & unpaid leave programx. Review the [optional-use FMLA templates from the DOL](#). Consider gathering HR professionals to review [Fact Sheet #28](#) on notification requirements. Check state websites for specific program details.

What's in the DOL's FAQs?



The DOL's been busy, releasing [FAQs #64](#) & [FAQs #65](#), addressing provisions with the Affordable Care Act. A short summary of applicable employer Plan issues within each FAQ is below. Access [previously issued FAQs and Fact Sheets](#) on the DOL's website.

- **FAQs #64** – This FAQ addresses requirements for coverage of preventive services, namely contraceptive services. Plans should review their medical management techniques to avoid the problematic practices listed in the FAQ. Plans may adopt the “therapeutic equivalence approach” to comply with requirements.

Despite repeated clarification of what the Departments consider to be reasonable medical management techniques, the Departments are aware of reports that plans and issuers continue to impose widespread barriers to contraceptive coverage, causing individuals to experience difficulty accessing the coverage without cost sharing that they are entitled.

- **FAQs #65** – This FAQs addresses questions surrounding cost-sharing disclosure requirements of the Transparency in Coverage (TiC) Rules, specifically referencing the internet-based self-service tool for users to search a suite of covered items & services.

The cost-sharing disclosure for an item or service on the internet-based self-service tool must be an accurate estimate at the time the request is made. Plans and issuers may use advanced analytics such as past claims data to produce more accurate cost estimates.