

EMPLOYEE BENEFITS

2023 Compliance Checklist (December - November Plan Years)

Important Compliance Dates

January	<input type="checkbox"/> CMS Online Disclosure of Creditable – Medicare Part D Coverage (Due 60 Days Post Annual Renewal) (1/29) ¹ <input type="checkbox"/> W2 Box 12 Reporting of Aggregate Cost of Coverage (1/31) ²
February	<input type="checkbox"/> 1094-C & 1095-C (Paper) Reporting Due to IRS (2/28) ² <input type="checkbox"/> SPD Delivery Deadline for new enrollees (2/28) ^{1,5} (Within 90 days of effective date) <input type="checkbox"/> 1095-C Reporting Due to Employees (3/2) ²
March	<input type="checkbox"/> 2022 Reporting to IRS if filing electronically (3/31) ² (Electronic filing required for ALE with 250 or more 1095s)
April	<input type="checkbox"/> Deadline for 2022 HSA Contributions (4/17) ²
May	<input type="checkbox"/> Prescription Drug Data Collection (RxDC) Reporting Due (6/1) ²
June	<input type="checkbox"/> 5500 Filing Due (6/30) ³
July	<input type="checkbox"/> PCORI Filing Due (7/31) ³
August	<input type="checkbox"/> SAR, Summary Annual Report Due (8/31) ³
September	<input type="checkbox"/> Medicare Part D Notice Due (10/14) ¹
November	<input type="checkbox"/> SBC Distribution: With open enrollment materials or 30 days prior to renewal if coverage renews automatically ^{4,6}
December	<input type="checkbox"/> CAA Transparency “Gag Clause” Attestation Due (12/31) ⁷

Employer Requirements

ACA

The ACA created several notice and disclosure obligations for group health plans, such as:

- Statement of Grandfathered Status
- Notice of Rescission
- Notice of Patient Protections and Selection of Providers
- Uniform Summary of Benefits and Coverage
- Exchange Notice

COBRA

Notice/disclosure requirements:

- Initial/General COBRA Notice
- QE Notice to Plan Administrator
- COBRA Election Notice
- Notice of Unavailability of COBRA
- Notice of Insufficient Payment
- Premium Change Notice
- Termination Notice

ERISA

Notice/disclosure requirements:

- SPD
- Summary of Material Modifications (SMM)
- Plan Documents (upon request)
- Summary Annual Report (SAR)
- Notice of Special Enrollment Rights
- HIPAA Notice of Privacy Practices
- CHIPRA
- Medicare Part D (Creditable/Non-creditable coverage)
- WHCRA

ACA Cost Sharing Limits (Plan Years Beginning In 2023)

Self-Only Coverage	\$9,100
Family Coverage	\$18,200

HDHP OOP Maximum (Plan Years Beginning In 2023)

Self-Only Coverage	\$7,500
Family Coverage	\$15,000

¹ Applies to Plan Year beginning 12/1/2022 and ending 11/30/2023

² Applies to 2022 calendar year

³ Applies to Plan Year beginning 12/1/2021 and ending 11/30/2022

⁴ Applies to Plan Year beginning 12/1/2023 and ending 11/30/2024

⁵ SPDs must be distributed within 120 days after effective date of a new plan. Amended SPDs or SMMs describing material reductions in health plan benefits must be distributed within 60 days after they are adopted. Amended SPDs or SMMs describing other material modifications must be distributed within 210 days after end of plan year in which they are adopted.

⁶ If material modification is made to plan mid-year that impacts content of SBC, notice of material modification must be provided at least 60 days prior to date on which modification will be effective.

⁷ Applies to the reference period from 12/27/2020 through the date of attestation.

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