

**BASIC REPORTING AND DISCLOSURE REQUIREMENTS
FOR SELF FUNDED ERISA WELFARE PLANS**

Annual Requirements

| Requirement | All Welfare Plans |
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| Discrimination Testing Required | Yes, annually under Section 105(h) of the Internal Revenue Code. |
| Form M-1 – Multiple Employer Welfare Association (MEWA) | No, unless the plan is a MEWA. A MEWA must complete Form M-1 and file it with the Department of Labor annually. |
| HIPAA Privacy Practices Notice | Yes, at enrollment for new participants and within 60 days of a change in the notice to all plan participants. Must be posted on web site, if customer service or benefit information relating to the plan is kept on the site. Notice of availability must be provided to all participants at least once per three years. |
| Medicare D Creditable Coverage Notice | Yes, notice must be provided to Medicare eligible individuals: <ul style="list-style-type: none"> - Prior to the individual's initial enrollment period for Part D, - Prior to enrollment in the plan, - Upon any change in the plan's status as creditable coverage under Part D, - Annually, prior to the start of the Part D annual enrollment period on November 15, and - Upon request. <p>If the plan covers any Medicare eligible individuals, notice must also be provided, via an on-line form, to Medicare at the following times:</p> <ul style="list-style-type: none"> - Annually within 60 days of the start of each plan year, - Within 30 days of the plan's termination, - Within 30 days of any change in the plan's status as creditable coverage under Part D. |
| Women's Health and Cancer Rights Act Notice | Yes, at enrollment for new participants (included on UMR standard enrollment form) and annually to all plan participants. |

Event Triggered Requirements

| Requirement | All Welfare Plans |
|------------------------------------|--|
| COBRA Notice of Rights | Yes, initial notice when coverage begins, within the SPD, and within 14 days of notice of termination of coverage due to a qualifying event. |
| Distribute Amendments to Employees | Yes, within 60 days of enactment. Electronic distribution is permitted provided appropriate steps are taken to ensure actual receipt by participants, that notice is provided to participants that distribution is by electronic means and that paper copies are available upon request at no charge. |
| Distribute SPD to | Yes, within 90 days of coverage. |



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| Fidelity Bond Required | No, unless trusted. A fidelity bond guarantees replacement of plan assets if they are misused by the group. Most employers have a fidelity bond in place for other business reasons and may assign the plan onto that bond. |
| HIPAA Certificate of Creditable Coverage | Yes, at termination of coverage, again at the end of COBRA Continuation (if elected) and for up to 24 months after upon request. |
| HIPAA Determination of Creditable Coverage | Yes, if after applying credits for prior coverage the plan's pre-existing condition exclusion is not fully credited. Notice of the determination must be provided as soon as reasonably possible. |
| HIPAA Notice of Pre-Existing Condition Limits | Yes, at or before enrollment in the plan (included on UMR standard enrollment form). |
| HIPAA Notice of Special Enrollment Rights | Yes, at or before enrollment in the plan (included on UMR standard enrollment form). |
| Trust Account | No, unless plan assets are held. Employee contributions become plan assets as soon as they can be reasonably separated from the employer's general assets unless they are immediately used to pay employee benefits under the plan. Contributions taken on a pre-tax basis through a Section 125 plan are not considered plan assets. Note: If the trust is a tax exempt trust (501(c)(9)), IRS Form 1024 and Form 990 must also be filed. |

Annual Reporting Requirements

| Requirement | Unfunded ⁱ Welfare Plan Under 100 Lives | Funded Welfare Plan Under 100 Lives | Unfunded Welfare Plan 100 Lives or More | Funded Welfare Plan 100 Lives or More |
|---|--|---|---|---|
| File Form 5500 | No | Yes, within 210 days of plan year close | Yes, within 210 days of plan year close | Yes, within 210 days of plan year close |
| Independent Auditor Report with Form 5500 | No | No | No | Yes |
| Summary Annual Report – SAR | No | Yes, within 210 days of plan year close | No | Yes, within 210 days of plan year close |

ⁱ For a welfare plan that is not part of a Section 125 Cafeteria Plan, unfunded means that no contributions are received for employees or former employees including COBRA payments. Pre-tax contributions received through a Section 125 Cafeteria Plan are considered employer contributions, not employee contributions.

