

# 2023

## Annual Compliance Deadlines

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### EMPLOYER SPONSORED HEALTH PLANS

This document is not provided or intended as tax or legal advice. Readers must contact a tax professional or attorney for advice on how specific laws will affect their benefit program.



# 2023 Annual Compliance Deadlines & Required Distribution Notices

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Employers that sponsor group health plans are subject to numerous reporting and disclosure requirements throughout the year in connection with their group health plans. This general compliance calendar lists key **2023 compliance deadlines** that apply to employer-sponsored group health plans.

This calendar only addresses **recurring calendar year compliance deadlines**. The calendar does not include other requirements that are not based on the calendar year. For example, a plan administrator must provide a COBRA Election Notice to a qualified beneficiary after a qualifying event occurs. This type of notice requirement is not addressed in this calendar. For non-calendar year plans, these deadlines will need to be adjusted to reflect each plan's specific plan year.

State laws may impose additional obligations. Employers should refer to the specific federal or state law at issue for complete information or consult with their legal department on applicable state laws that may provide additional requirements and deadlines.

## Determining the Plan Year

The **"plan year"** is the calendar, policy or fiscal year on which the records of the plan are kept. Many employers operate their group health plans on a calendar year basis, from Jan.1 through Dec.31 of each year.

Other employers operate their plans on a non-calendar year basis, which may be consistent with the company's taxable year or with an insured plan's policy year.

## 2023 Group Health Plan Compliance Deadlines

### JANUARY 2023

Requirement	Applicability	Description	Deadline
<b>Make price comparison information available online</b>	Group Health Plans	Group health plans must provide cost-sharing information for 500 items and services through an internet-based self-service tool. Employers with fully insured plans should confirm their insurance carrier will comply with the requirement and self-insured plans should confirm with their third-party administrators (TPAs) or other service providers that they will comply with this requirement on behalf of the plan. Plans should get the issuer or administrator's agreement to provide the self-service tool in writing.	<b>January 1, 2023</b>
<b>Reporting health plan costs on Form W-2</b>	Employers that filed <b>250 or more</b> IRS Forms W-2 for the prior calendar year.  This Form W-2 reporting requirement is currently <b>optional for small employers</b> (those who file fewer than 250 Forms W-2).	Employers that filed 250 or more IRS Forms W-2 for the prior calendar year must include the aggregate cost of employer-sponsored health plan coverage on employees' Forms W-2.  Employers must file Forms W-2 with the Social Security Administration and furnish Forms W-2 to employees by Jan. 31 of each year unless an extension applies.	<b>January 31, 2023</b>

### FEBRUARY 2023

Requirement	Applicability	Description	Deadline
<b>Section 6056 Reporting</b> (Paper Deadline)	Employers that are <b>Applicable Large Employers</b> (ALEs – companies with 50+ full time equivalent employees) and sponsor <b>fully insured</b> health plans	Internal Revenue Code (Code) Section 6056 requires ALEs with fully insured health plans to report information about the health plan coverage to the IRS each year using IRS Forms <a href="#">1094-C</a> and <a href="#">1095-C</a> . The deadline for filing paper versions of the forms with the IRS is Feb. 28, 2023; the deadline for electronic filing is March 31, 2023.	<b>1095-C and 1094-C to IRS: February 28, 2023</b> (paper only)
<b>Section 6055 Reporting</b> (Paper Deadline)	Employers that are <b>not ALEs</b> and <b>sponsor self-insured</b> health plans	Code Section 6055 requires employers with self-insured health plans to report information about the coverage to the IRS each year. Employers that are not ALEs use IRS Forms <a href="#">1094-B</a> and <a href="#">1095-B</a> to meet these reporting obligations. The deadline for filing paper versions of the forms with the IRS is Feb. 28, 2023; the deadline for electronic filing is March 31, 2023.	<b>1095-B and 1094-B to IRS: February 28, 2023</b> (paper only)
<b>Section 6055/6056 Reporting</b> (Paper Deadline)	Employers that <b>are ALEs</b> and <b>sponsor self-insured</b> health plans	Code Sections 6055 and 6056 require ALEs that sponsor self-insured health plans to report information about the coverage to the IRS each year using IRS Forms <a href="#">1094-C</a> and <a href="#">1095-C</a> . The deadline for filing paper versions of the forms is Feb. 28, 2023; the deadline for electronic filing is March 31, 2023.	<b>1095-C and 1094-C to IRS: February 28, 2023</b> (paper only)

## 2023 Group Health Plan Compliance Deadlines

MARCH 2023			
Requirement	Applicability	Description	Deadline
<b>Medicare Part D Disclosure to CMS</b>	Group health plans that <b>provide prescription drug coverage</b> to individuals who are eligible for Medicare Part D	<p>Group health plan sponsors that provide prescription drug coverage to Medicare Part D-eligible individuals must disclose to the Centers for Medicare &amp; Medicaid Services (CMS) whether prescription drug coverage is creditable or non-creditable. In general, a plan's prescription drug coverage is creditable if its actuarial value equals or exceeds the actuarial value of the Medicare Part D prescription drug coverage.</p> <p>Plan sponsors must make the disclosure annually and at other select times electronically on the <a href="#">Disclosure to CMS Form</a> through the CMS website. Plan sponsors must submit the annual disclosure to CMS within <b>60 days</b> after the beginning of the plan year. For calendar-year plans, the deadline is March 1, 2023. See the <a href="#">CMS instruction guide</a> with screen shots for completing the form online.</p>	<b>March 1, 2023</b>
<b>Form M-1</b>	Multiple Employer Welfare Arrangements ( <b>MEWAs</b> ) and Entities Claiming Exception ( <b>ECEs</b> )	MEWAs and ECEs are required to file <a href="#">Form M-1</a> with DOL to report required information about the MEWA's custodial and financial condition (subject to certain exceptions).	<b>March 1, 2023</b> deadline is the last day of the seventh month following the close of the plan year.
<b>ACA Section 6055 Individual Statements to Employees</b>	Employers that <b>are ALEs</b> and sponsor <b>fully insured</b> health plans	Code Section 6056 requires ALEs with fully insured health plans to provide information about health plan coverage to their full-time employees each year using IRS <a href="#">Form 1095-C</a> . In general, these statements were required to be provided to employees on or before Jan. 31. However, the IRS <a href="#">extended</a> the annual deadline for furnishing employee statements for 30 days from Jan. 31. With the extension, this deadline is March 2, 2023.	<b>March 2, 2023</b>
<b>ACA Section 6056 Individual Statements to Employees</b>	Employers that <b>are not ALEs</b> and sponsor <b>self-insured</b> health plans	<p>Code Section 6055 requires employers with self-insured health plans to provide information about the coverage to enrolled employees each year. Employers that are not ALEs use IRS <a href="#">Form 1095-B</a> to provide this health coverage information, generally on or before Jan. 31. However, the IRS <a href="#">extended</a> the annual deadline for furnishing employee statements for 30 days from Jan. 31. With the extension, this deadline is March 2, 2023.</p> <p><i>Alternative method of furnishing:</i> An alternative method to furnish statements to individuals is available under Code Section 6055. Under this alternative method, the employer must post a clear and conspicuous notice on its website stating that individuals may receive a copy of their statement upon request. Employers must also provide an individual statement within 30 days of any request.</p>	<b>March 2, 2023</b>

## 2023 Group Health Plan Compliance Deadlines

### MARCH 2023

Requirement	Applicability	Description	Deadline
<b>Sections 6055/6056 individual statements</b>	Employers that <b>are ALEs</b> and <b>sponsor self-insured</b> health plans	Code Sections 6055 and 6056 require ALEs that sponsor self-insured health plans to report information about the coverage to covered employees each year using IRS <a href="#">Form 1095-C</a> . In general, these statements were required to be provided on or before Jan. 31. However, the IRS <a href="#">extended</a> the annual deadline for furnishing employee statements for 30 days from Jan. 31 to March 2, 2023.	<b>March 2, 2023</b>
<b>Section 6056 Reporting</b> (electronic filing deadline)	Employers that <b>are ALEs</b> and <b>sponsor fully insured</b> health plans	Code Section 6056 requires ALEs with fully insured health plans to report information about health plan coverage to the IRS using IRS <a href="#">Forms 1094-C</a> and <a href="#">1095-C</a> . The deadline for electronic filing is March 31, 2023.	<b>March 31, 2023 (electronic)</b> or Feb. 28, 2023 (paper).
<b>Section 6055 Reporting</b> (electronic filing deadline)	Employers that are <b>not ALEs</b> and <b>sponsor self-insured</b> health plans	Code Section 6055 requires employers with self-insured health plans to report information about the coverage to the IRS each year. Employers that are not ALEs use IRS Forms <a href="#">1094-B</a> and <a href="#">1095-B</a> to meet these reporting obligations. The deadline for electronic filing is March 31, 2023.	<b>March 31, 2023 (electronic)</b> or Feb. 28, 2023 (paper).
<b>Sections 6055/6056 Reporting</b> (electronic filing deadline)	Employers that <b>are ALEs</b> and <b>sponsor self-insured</b> health plans	Code Sections 6055 and 6056 require ALEs that sponsor self-insured health plans to report information about the coverage to the IRS each year using IRS Forms <a href="#">1094-C</a> and <a href="#">1095-C</a> . The deadline for electronic filing is March 31, 2023.	<b>March 31, 2023 (electronic)</b> or Feb. 28, 2023 (paper).

### APRIL 2023

Requirement	Applicability	Description	Deadline
<b>Form 8928</b>	Employers and plan administrators should	Employers and plan administrators self-report excise tax due for failure to comply with various group health plan requirements, including requirements related to the ACA, COBRA, HIPAA, mental health parity, and the comparable contribution requirement for health savings accounts (HSAs), using <a href="#">IRS Form 8928</a> .	<b>April 15, 2023</b> <b>MEWA: July 31, 2022</b>

### JUNE 2023

Requirement	Applicability	Description	Deadline
<b>Submit RxDC Report to CMS for 2022</b>	Employer-sponsored health plans and health insurance issuers	Under the Consolidated Appropriations Act, 2021 (CAA), Under the Consolidated Appropriations Act, 2021 (CAA), insurance companies and employer-based health plans must annually submit information about prescription drugs and health care spending to the Centers for Medicare and Medicaid Services (CMS). This reporting process is referred to as the " <a href="#">prescription drug data collection</a> " (or "RxDC report").	<b>June 1, 2023</b> of the calendar year immediately following the reference year.

*Most employers will rely on third parties, such as issuers, third-party administrators (TPAs) or pharmacy benefit managers (PBMs) to prepare and submit the RxDC report for their health plans.*

## 2023 Group Health Plan Compliance Deadlines

### JULY 2023

Requirement	Applicability	Description	Deadline
<b>Patient Centered Outcomes Research Institute (PCORI) Fee</b>	Employers with self-insured health plans	Employers with self-insured health plans must pay an annual fee to fund the Patient-Centered Outcomes Research Institute (PCORI). Self-insured health plans that are subject to PCORI fees include self-funded medical plans, as well as HRAs offered in conjunction with fully insured group medical plans. HRAs offered with self-insured group medical plans are not subject to separate PCORI fees if the HRA and the medical plan have the same plan sponsor and plan year.  Employers use IRS <a href="#">Form 720</a> to report and pay PCORI fees, which are due by July 31 of the year following the last day of the plan year.	<b>July 31, 2023</b>
<b>Form 5500</b> (calendar year plans)	ERISA plans with 100 or more plan participants as of the first day of the plan year	Employers with ERISA-covered welfare benefit plans are required to file an annual <a href="#">Form 5500</a> unless a reporting exemption applies. The Form 5500 must be filed by the last day of the seventh month following the end of the plan year unless an extension applies.  Small health plans (fewer than 100 participants) that are fully insured, unfunded or a combination of insured/unfunded are generally exempt from the Form 5500 filing requirement.	<b>July 31, 2023</b> (for calendar year plans)
<b>Form 5558</b> to request filing extension		Employers may obtain an automatic extension to file Form 5500, Form 5500-SF, Form 5500-EZ, Form 8955-SSA, or Form 5330 by filing IRS Form 5558. The extension will allow return/reports to be filed up to the 15th day of the third month after the normal due date.	<b>July 31, 2023</b> (for calendar year plans)

### SEPTEMBER 2023

Requirement	Applicability	Description	Deadline
<b>Medical Loss Ratio (MLR) Rebates</b>	Employers with fully insured health plans that receive MLR rebates	Issuers must spend a minimum percentage of their premium dollars, or MLR, on medical care and health care quality improvement. Issuers that do not meet the applicable MLR must pay rebates to consumers.  Sponsors of insured health plans may receive rebates if their issuers did not meet their MLR. Rebates must be provided to plan sponsors by Sept. 30, following the end of the MLR reporting year. Employers that receive rebates should consider their legal options for using the rebate. Any rebate amount that qualifies as a plan asset under ERISA must be used for the exclusive benefit of the plan's participants and beneficiaries.  Also, as a general rule, plan sponsors should use the rebate within three months of receiving it to avoid ERISA's trust requirements. Plan sponsors that receive a rebate prior to Sept. 30 may need to adjust their deadline to use the rebate.	<b>September 30, 2023</b>

## 2023 Group Health Plan Compliance Deadlines

### SEPTEMBER 2023

Requirement	Applicability	Description	Deadline
<b>Summary Annual Report (SAR)</b>	Group health plans that are subject to the Form 5500 filing requirement (and have not extended the Form 5500 deadline)	<p>Employers that are required to file a Form 5500 must provide participants with a summary of the information in the Form 5500, called a summary annual report (SAR). The plan administrator generally must provide the SAR within nine months of the close of the plan year. For calendar-year plans, this deadline is <b>Sept. 30, 2023</b>.</p> <p>If an extension of time to file the Form 5500 is obtained, the plan administrator must furnish the SAR <b>within two months after the close of the extension period</b>. For calendar year plans, this extended deadline is <b>Dec. 15, 2023</b>.</p> <p>Plans that are exempt from the annual 5500 filing requirement are not required to provide a SAR. Large, completely unfunded health plans are also generally exempt from the SAR requirement.</p> <p>A <a href="#">sample SAR</a> for welfare plans is available from the DOL.</p>	<p><b>For calendar year plans:</b></p> <p><b>September 30, 2023;</b></p> <p>or</p> <p><b>December 15, 2023</b> (if extension filed)</p>

### OCTOBER 2023

Requirement	Applicability	Description	Deadline
<b>Individual Coverage Health Reimbursement Arrangement (ICHRA) Notice</b>	Group health plans that provide an ICHRA	Employers that offer an ICHRA must furnish written notice to each participant containing specific information about the ICHRA 90 days before the beginning of the plan year. See the <a href="#">DOL model notice</a> for information.	<b>October 1, 2023</b>
<b>Medicare Part D Notice of Creditable Coverage to Plan Participants</b>	Group health plans that provide prescription drug coverage to individuals eligible for Medicare Part D	<p>Employers with group health plans that provide prescription drug coverage must notify Medicare Part D-eligible individuals by Oct. 14 of each year about whether the drug coverage is at least as good as Medicare Part D coverage (in other words, whether their prescription drug coverage is “creditable” or “non-creditable”).</p> <p>If a health plan’s open enrollment period begins on or before Oct. 14, the Medicare Part D notice may be included in the plan’s open enrollment materials. Model disclosure notices are available on CMS’ <a href="#">website</a>.</p>	<b>October 14, 2023</b>

## 2023 Group Health Plan Compliance Deadlines

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Requirement	Applicability	Description	Deadline
<p><b>Summary Annual Report (SAR) <i>Extended Deadline</i></b>  <i>(applies to group health plans that are subject to the Form 5500 filing requirement if extension filed)</i></p>	<p>Group health plans that are subject to the Form 5500 filing requirement (and have not extended the Form 5500 deadline)</p>	<p>Employers that are required to file a Form 5500 must provide participants with a summary of the information in the Form 5500, called a summary annual report (SAR). The plan administrator generally must provide the SAR within nine months of the close of the plan year.</p> <p>If an extension of time to file the Form 5500 is obtained, the plan administrator must furnish the SAR <b>within two months after the close of the extension period</b>. For calendar year plans, this extended deadline is <b>Dec. 15, 2023</b>.</p> <ul style="list-style-type: none"> <li>– Plans that are exempt from the annual 5500 filing requirement are not required to provide a SAR.</li> <li>– Large, completely unfunded health plans are also generally exempt from the SAR requirement.</li> </ul> <p>A <a href="#">sample SAR</a> for welfare plans is available from the DOL.</p>	<p><b>For calendar year plans:</b>  <b>December 15, 2023</b>  <i>(if extension filed)</i></p>