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EMPLOYEE BENEFITS COMPLIANCE TOOLBOX



UBA EXPERT COMPLIANCE RESOURCES

Group Health Plan Legislation Chart

April 1, 2025

This table, developed by UBA Partner Firm EHD, outlines significant employee benefits legislation requirements for group health plans.

- “Yes” indicates that the legislation applies to the group plan
- “No” indicates that it does not apply.

Please note:

- All plan types are subject to state mandates, and some Affordable Care Act (ACA) requirements based on the size of the group health plan.
- Potential exclusions for small group plans are for telemedicine, wellness, and wearable health technology.
- For self-funded groups, ERISA preempts state laws and all must comply with ACA rules.



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	Small Group	Large Group	Self-Funded	Fully Insured
Employee Retirement Income Security Act (ERISA)				
Section 105(h): Non-Discrimination Testing for Highly Compensated Individuals Eligibility Test and Benefits Test. Includes self-funded health plans, HRA, and FSA	Yes	Yes	Yes ¹	No ²
Section 125: Non-Discrimination testing for Highly Compensated Individuals Eligibility Test, Benefits & Contribution Test, Key Employee Concentration Test Includes Cafeteria Plans, HSA, HRA, FSA	Yes	Yes	Yes	Yes
Cafeteria Plans/Premium Only Plans (POP) Documents	Yes	Yes	Yes	Yes
5500 Form Filing	No, unless self-funded trust	Yes - 100+	Yes, all sizes if trust	Yes - 100+
Summary Annual Report (SAR)	No, unless self-funded trust	Yes - 100+	Yes, all sizes if trust	Yes - 100+
Multi-Employer Welfare Arrangement (MEWA)	Yes	Yes	Yes	Yes
Summary Plan Description (SPD)	Yes	Yes	Yes	Yes
Summary of Material Modification (SMM)	Yes	Yes	Yes	Yes
Plan Documents	Yes	Yes	Yes	Yes
Wrap Document	Yes	Yes	Yes	Yes
Fiduciary Responsibility	Yes	Yes	Yes	Yes
Annual Notices				
Summary of Benefits & Coverage (SBC) & Uniform Glossary	Yes	Yes	Yes	Yes
Patient Protection (Primary Care Physician Designation)	Yes	Yes	Yes	Yes

	Small Group	Large Group	Self-Funded	Fully Insured
Annual Notices (continued)				
Children's Health Insurance Program Reauthorization Act (CHIPRA)	Yes	Yes	Yes	Yes
Medicare Part D Creditable and Noncreditable Disclosure Notice	Yes	Yes	Yes	Yes
Newborns' and Mothers' Health Protection Act (NMHPA)	Yes	Yes	Yes	Yes
HIPAA Notice of Privacy Practices (NPP) ³	Carrier	Plan Sponsor	Plan Sponsor	Carrier
Special Enrollment Rights Notice	Yes	Yes	Yes	Yes
Women's Health and Cancer Act (WHCRA)	Yes	Yes	Yes	Yes
Equal Employment Opportunity Commission (EEOC) Wellness Program Notice (ADA)	15+	Yes	Yes	Yes
HIPAA Wellness Program Disclosure Notice	Yes	Yes	Yes	Yes
Genetic Information Nondiscrimination Act (GINA) General Disclosure Notice	15+	Yes	Yes	Yes
Your Rights and Protections Against Surprise Medical Bills Notice	Yes	Yes	Yes	Yes
General Continuation of Coverage Rights Under COBRA	20+	Yes	Yes	Yes
Mental Health Parity Addictions Equity Act (MHPAEA) Disclosure	No	Yes	Yes	Yes
Uniformed Services Employment & Reemployment Rights Act (USERRA)	Yes	Yes	Yes	Yes
Grandfathered Plan Notice	Yes	Yes	Yes	Yes
Notice to Enrollees Regarding Opt-Out	Yes	Yes	Yes	Yes
Marketplace Notice of Exchange	Yes	Yes	Yes	Yes
Michelle's Law Notice	Yes	Yes	Yes	Yes



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	Small Group	Large Group	Self-Funded	Fully Insured
Affordable Care Act				
Look-back Measurement and Monthly Measurement	No	Yes - 50+	Yes	Yes
Essential Health Benefits (EHB)	Yes - Under 50	No	No	Yes
Applicable Large Employer (ALE)	N/A	Yes - 50+	Yes - 50+	Yes - 50+
Patient-Centered Outcomes Research Institute (PCORI) ⁴	Yes ⁵	Yes	Yes	Yes
Employer Mandate (Pay or Play)				
Minimum Essential Coverage (MEC)	No	Yes - 50+	Yes	Yes
Minimum Value (MV)	No	Yes - 50+	Yes	Yes
Affordability	No	Yes - 50+	Yes	Yes
Safe Harbor Method of Affordability	No	Yes - 50+	Yes	Yes
Reporting Section 6055 & 6056 - 1094/1095				
6056 - Form 1094-C (all parts) & 1095-C (Parts I & II)	No	Yes - 50+	Yes	Yes
6056 - Form 1094-C (all parts) & 1095-C (Parts I, II, III)	No	Yes - 50+	Yes	No
6055 - Form 1094-B & 1095-B (Parts I, III & IV)	Yes - Under 50	No	Yes	Yes
6055 - Form 1094-B & 1095-B	Yes - Under 50	No	Yes	No

	Small Group	Large Group	Self-Funded	Fully Insured
Consolidated Appropriations Act (CAA)				
RxDC Reporting	Yes	Yes	Yes	Yes
Gag Clause Prohibition Compliance Attestation (GCPCA)	Yes	Yes	Yes	Yes
Broker Compensation Disclosures	Yes	Yes	Yes	Yes
No Surprises Act (NSA)				
Ban on Balance Billing	Yes	Yes	Yes	Yes
Insurance identification cards	Yes	Yes	Yes	Yes
Provider network directory accuracy	Yes	Yes	Yes	Yes
Continuity of Care	Yes	Yes	Yes	Yes
Transparency in Coverage (TiC) ⁶				
Machine Readable Files (MRF)	Yes	Yes	Yes	Yes
Price Transparency Comparison Tool	Yes	Yes	Yes	Yes
Mental Health Parity Addictions Equity Act (MHPAEA)				
Non-Quantitative Treatment Limit (NQTL) Comparative Analysis (CAA)	No	Yes	Yes	Yes
NQTL Fiduciary Attestation	No	Yes	Yes	Yes



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	Small Group	Large Group	Self-Funded	Fully Insured
Centers for Medicare & Medicaid Services (CMS)				
Part D Creditable Coverage Reporting Disclosure Form to CMS	Yes	Yes	Yes	Yes
Medicare Primary - Working age	<20	N/A	N/A	N/A
Group Plan Primary - Working age	N/A	20+	N/A	N/A
Medicare Primary - Disabled	1-99	N/A	N/A	N/A
Group Plan Primary - Disabled	N/A	100+	N/A	N/A
Medicare - End Stage Renal - First 30 months - Group Plan Primary	1-99	100+	N/A	N/A
Medicare - End Stage Renal - After 30 months - Medicare Primary	1-99	100+	N/A	N/A
Wellness Plan				
EEOC Notice	Yes	Yes	Yes	Yes
Genetic Information Nondiscrimination Act (GINA)	15+	Yes	Yes	Yes
HIPAA Nondiscrimination	Yes	Yes	Yes	Yes
Americans with Disabilities Act (ADA)	15+	Yes	Yes	Yes
Health Insurance Portability & Accountability Act (HIPAA)				
Title I: Special Enrollment Rights	Yes	Yes	Yes	Yes
Title 2: Privacy, Security & Breach Notification Rules	<50 ⁷	50+	Yes/No ⁷	Yes ⁷
Privacy Policy ³	Carrier	Plan Sponsor	Plan Sponsor	Carrier



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	Small Group	Large Group	Self-Funded	Fully Insured
Family and Medical Leave Act (FMLA)				
FMLA	No	Yes	Yes	Yes
General Information				
Level-funded plans follow the self-funded rules	Yes	Yes	Yes	No
Excepted Benefits	Yes	Yes	Yes	Yes
State Driven Legislation				
State-specific mandates	Yes	Yes	No	Yes
Contraceptive Coverage specific to the state law	Yes	Yes	No	Yes
Domestic Partner Coverage if state requires	Yes	Yes	No	Yes
Substance Abuse and Mental Health Services	Yes	Yes	No	Yes
Surprise Billing Laws (coordinate with NSA)	Yes	Yes	No	Yes
Carrier Rates	Age-banded ¹⁰	Custom/Tiered		
Consolidated Omnibus Budget Reconciliation Act (COBRA)				
COBRA	20+	Yes	Yes	Yes
State Mini COBRA	<20	No	No	Yes

Notes:

- 1 Carve out highly compensated individuals, to pay post-tax. Section 105(h) will then not apply.
- 2 As long as there is no Cafeteria Plan, highly compensated individuals are permitted to have better options. If there is a Cafeteria Plan, carve out highly compensated individuals, to pay post-tax.
- 3 Carrier provides notice, unless the group has access to protected health information (PHI). Otherwise, the plan sponsor provides.
- 4 Does not apply to excepted benefits.
- 5 Carrier files if plan is fully insured.
- 6 Excepted benefits are exempt: Dental, Vision, FSA, HRA.
- 7 Does not apply to self-funded, self-administered plans with fewer than 50 lives and HIPAA nondiscrimination rules as long as a third-party administrator (TPA) is not involved.
- 8 Not applicable to self-funded, self-administered plans with fewer than 50 lives.
- 9 All fully insured plans must comply unless there is no access to protected health information (PHI). If the plan has no access to PHI, the carrier handles the policy and Notice of Privacy Practices.
- 10 Based on business location, age of employee, and tobacco utilization.

This information is general information and provided for educational purposes only. It is not intended to provide legal advice. You should not act on this information without consulting legal counsel or other knowledgeable advisors.