



## COMPLIANCE SERVICES Alert



March 13, 2019

# Upcoming key compliance deadlines and reminders for 2019 second quarter

Much of the country is beginning a long-awaited thaw from “the winter that time forgot.” But it’s important plan sponsors not forget some key reporting and disclosure deadlines arising in the second calendar quarter of 2019.

For calendar-year and non-calendar-year plan sponsors alike, here are a handful of compliance-related items that may need attention in the second quarter. We have included here several key deadlines and select state or local deadlines, but not every potential deadline is reflected here.

As always, if you have questions about the applicability of certain requirements to your plan, please contact your Lockton account service team.

Date	Actions	Notes
<b>April 1</b> If e-filing, employers submitting 250 or more Forms 1095-C or -B must e-file unless a waiver has been granted.	<b>E-file with IRS Forms 1095-C and/or 1095-B, with Form 1094-C and/or 1094-B.</b>	Employers supplying individuals with a Form 1095-C or 1095-B must transmit copies of these forms to the IRS, with one or more Forms 1094-C or 1094-B transmittal documents.  E-filing is accomplished through the IRS’s <a href="#">AIR</a> (Affordable Care Act information returns) platform.
<b>April 3</b> If filing on paper under a 30-day extension of the March 4 deadline for filing paper Forms 1094-B/C and 1095-B/C.	<b>Paper file with IRS Forms 1095-C and/or 1095-B, with Form 1094-C and/or 1094-B, under 30-day extension from March 4 filing deadline.</b>	Employers supplying individuals with a Form 1095-C or 1095-B must transmit copies of these forms to the IRS, with one or more Forms 1094-C or 1094-B transmittal documents.  Employers filing fewer than 250 Forms 1095-C or -B may file on paper. The original due date was March 4, but an automatic 30-day extension was available through the IRS’s FIRE online transmittal system.
<b>April 14</b>	Distribute reminder to participants regarding availability of HIPAA privacy notice. <i>(recommended action)</i>	This obligation applies to sponsors of ERISA and non-ERISA health plans, where the plan is either self-insured or the sponsor is “hands on” the plan’s protected health information.  This reminder is due every third year. Most plan sponsors with HIPAA privacy and security obligations moot the reminder duty by supplying a HIPAA privacy

		<p>notice regularly (e.g., as part of initial and open enrollment packets).</p> <p>This notice may be provided electronically in accordance with specific requirements.</p>
April 17	MEWAs submit Form 8963 – net premium report for annual fee on health insurers.	<p>MEWAs that are not fully insured (non-fully insured MEWAs are rare) are required to report their net premiums for covered US health risks to the IRS. This information is reported on Form 8963.</p> <p>After it gathers the information, the IRS will perform a preliminary fee calculation and notify each MEWA of its preliminary fee amount. The MEWA can review the IRS' calculation, identify any errors and submit an error correction report. Fee payment is due by Sept. 30, via electronic transfer.</p> <p>MEWAs with \$25 million or less in net written premiums for a "data year" will not owe any annual fee for the "fee year" that immediately follows.</p>
April 30	File Form 5500 for plan years ending Sept. 30, 2018.	<p>ERISA plans must file a Form 5500 at least annually, unless the plan is exempted from the filing requirement. Filing is accomplished electronically through the Department of Labor's (DOL) EFAST portal.</p> <p>Welfare plans that are fully insured, unfunded (claims paid from employer and/or employee pretax contributions held in the employer's general asset account) or a combination of both, are excused from filing if they have fewer than 100 participants on the first day of the plan year.</p> <p>Form 5500 extensions are available by filing a Form 5558 with the DOL on or before the filing's initial due date. Filing Form 5558 can allow the plan up to an additional 2-1/2 months to complete the filing.</p>
April 30	Make San Francisco HCSO contributions for the prior calendar quarter.	Required if the employer is subject to the San Francisco Health Care Security Ordinance (HCSO) and, with respect to enrollees in a self-insured plan, is not taking advantage of the new <i>annual</i> calculation of self-insured expenditures allowed by the HCSO. Fully insured plan sponsors cannot use the annual true-up method.
April 30	File San Francisco HCSO reporting form for prior calendar quarter.	For employers subject to the San Francisco Healthcare Security Ordinance.
April 30	Submit San Francisco commuter benefits compliance reporting form.	<p>Applies to businesses with a location in San Francisco (including nonprofit organizations) with 20 or more employees nationwide.</p> <p>The city provides an online form on its website. The form is due to The San Francisco Commute Smart Program by April 30 for the current calendar year.</p>

		Employers must also post and distribute (electronically or in hard copy) a separate Commuter Benefits Ordinance Employee Flyer. The flyer is available online.
May 1 If e-filing under a 30-day extension of the April 1 deadline for filing Forms 1094-B/C and 1095-B/C.	<b>E-file with IRS Forms 1095-C and/or 1095-B, with Form 1094-C and/or 1094-B under 30-day extension from April 1 filing deadline.</b>	Employers supplying individuals with a Form 1095-C or 1095-B must transmit copies of these Forms to the IRS, with one or more Forms 1094-C or 1094-B transmittal documents.  Employers filing 250 or more Forms 1095-C or -B must e-file unless they obtain a waiver of the e-filing requirement. The original e-filing due date was April 1, but an automatic 30-day extension was available through the IRS's FIRE online transmittal system.
May 31	File Form 5500 for plan years ending Oct. 31, 2018.	See Form 5500 filing discussion under the April 30 heading, above.
June 30	File Form 5500 for plan years ending Nov. 30, 2018.	See Form 5500 filing discussion under the April 30 heading, above.

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**Compliance resources at your fingertips.**



[\*ERISA is a friend of mine\*](#) is a new podcast that keeps you entertained AND up-to-date on employee benefits compliance.

The [\*Lockton Benefits Blog\*](#) is your source for breaking benefits news and essential information.



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