

Federal Benefit Compliance Calendar for 2024

December 2023

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Introduction

This calendar highlights important compliance due dates for employee health and welfare benefits. NOTE: Compliance due dates that are tied to a plan year assume a calendar year plan. Actual due dates may differ for some items if the employer’s plan runs on a non-calendar year. Please see the Appendix for variable due dates in 2024-2025 for certain reporting requirements tied to plan year rather than calendar year.

The Summary of Benefits & Coverage (SBC) and other notices must be distributed annually during the employer’s open enrollment. These notices are not addressed in the calendars below. For more information on these notices, see our Notices and Disclosures Guide here: [Notices and Disclosures Guide – Benefit Comply Resources](#)

Calendar

Month	Requirement	Due Date	Description
January	Price Comparison Tool	January 1	A price comparison tool, including estimates of cost-sharing for all covered health care items and services from each provider, must be made available via a web-based tool as well as by phone or paper upon request. This applies to plan years beginning on or after January 1, 2024 (previously only required for 500 specified items and services in 2023).
	W-2s	January 31	Employers that filed at least 250 W-2s in the previous year must report the cost of coverage (employer and employee) in Box 12 (Code DD). Employers must report all employer contributions to employees’ HSAs in Box 12 of Form W-2, using code W. Employers must report the amount of dependent care benefits paid or incurred on an employee’s behalf in Box 10 of Form W-2. Amounts over \$5,000 (\$2,500 in the case of a separate return filed by a married individual) are also included in Box 1.
February	1094-B, 1095-B, 1094-C, 1095-C Forms due to IRS (if mailing)	February 28	Applicable Large Employers and Employers with self-funded plans must report offer and coverage information as required under §§6055 and 6056. <i>NOTE: When reporting for the 2023 calendar year, almost all employers must report electronically (previously employers filing <250 forms could file by mail).</i>

March	HIPAA Breach Notifications due to OCR (for calendar year plans*)	March 1	Employers sponsoring group health plans must report any breach of Protected Health Information (PHI) affecting fewer than 500 individuals to OCR within 60 days of the end of the plan year. *See Appendix for due dates for non-calendar year plans.
	Part D Creditable Coverage Report due to CMS (for calendar year plans*)	March 1	Employers sponsoring prescription drug plans must report to CMS within 60 days after the beginning of the plan year regardless of whether the coverage is creditable. *See Appendix for due dates for non-calendar year plans.
	1095-B and 1095-C forms due to individuals	March 1	Applicable Large Employers must provide offer of coverage information to employees (copies of 1095-Cs). Employers with self-funded plans must provide coverage information to covered individuals (copies of 1095-Bs or 1095-Cs). In addition, certain employers offering coverage to residents of California, New Jersey, Rhode Island, and the District of Columbia must comply with state-level requirements that require providing federal form 1095s to covered individuals. See our State Individual Mandate Employer Reporting Guide here: Employer Reporting Guide – Benefit Comply Resources
April	1094-B, 1095-B, 1094-C, and 1095-C Forms due to IRS (if filing electronically)	April 1	Applicable Large Employers and Employers with self-funded plans must report offer and coverage information to the IRS as required under §§6055 and 6056. <i>NOTE: When reporting for the 2023 calendar year, almost all employers must report electronically (previously employers filing <250 forms could file by mail).</i>
	Last day for 2023 HSA contributions or corrections	April 15	Employers and individuals have until the tax filing deadline to make HSA contributions and corrections for a given calendar year.
June	Prescription Drug Reporting	June 1	Due date for reporting data for the 2023 calendar year.
July	Last day to issue a Summary of Material Modification	July 28	ERISA requires that a Summary of Material Modification (SMM) be issued any time there is a change in a plan provision that is “material” (but not a reduction) or any time

	(SMM) for the prior plan year (for calendar year plans*)		<p>there is a change in a plan provision that is required to be in the Summary Plan Description (SPD). The due date is 210 after the end of the plan year to which the change applies.</p> <p>*See Appendix for due dates for non-calendar year plans.</p> <p><i>NOTE: For a material reduction, an SMM is required within 60 days of the adoption of the change.</i></p>
	PCORI Fee	July 31	Patient-Centered Outcomes Research Institute (PCORI) fee is due for policy or plan years that ended in 2023.
	5500 Filing (for calendar year plans*)		<p>Employers must file 5500s for plans with at least 100 participants (i.e., employees) at the start of the plan year. In addition, employers with plans that have fewer than 100 participants must file a 5500 if the plan is “funded” (i.e., the assets of the plan are segregated from the general assets of the plan sponsor through a trust).</p> <p>*See Appendix for due dates for non-calendar year plans</p>
September	Summary Annual Report (SAR) (for calendar year plans*)	September 30	<p>A summary annual report (SAR) is a summary of the Form 5500. A SAR is required for any plan subject to Form 5500 filing, except for self-insured plans without any segregation of assets in a trust or otherwise (unfunded). It is due within 9 months of the close of the plan year.</p> <p>*See Appendix for due dates for non-calendar year plans</p>
	MLR Rebates	September 30 (Due date for carriers to issue rebates)	Carriers are required to report prior year MLR data to HHS by July 31. If the MLRs are not met, premium rebates must be provided to employers by the end of September.
October	Medicare Part D Creditable Coverage Notices to Individuals	October 14	Employers offering prescription drug coverage must issue the Notice of Creditable Coverage to individuals by October 14. (Note: Employers may provide the notice at any time during the 12 months preceding October 15 – e.g., during open enrollment).
	5500 Filing Due Date (with Extension) – (for calendar year plans*)	October 15	Employers must file 5500s for plans with at least 100 participants (i.e., employees) at the start of the plan year. In addition, employers with plans that have fewer than 100 participants must file a 5500 if the plan is “funded” (i.e., the

			<p>assets of the plan are segregated from the general assets of the plan sponsor through a trust).</p> <p>*See Appendix for due dates for non-calendar year plans</p>
December	Last day for employer to distribute portion of MLR rebate that is considered plan assets	December 29	Employers sponsoring fully-insured group health plans must distribute the portion of an MLR Rebate that is considered plan assets within 90 days of receipt (i.e., for rebates received September 30, by December 29). Otherwise, the employer may be subject to the general ERISA trust requirements.
	Gag Clause Attestations due	December 31	Employers and carriers must submit an attestation of compliance with the gag clause prohibition contained in the Consolidated Appropriations Act (CAA). See our guide here: Gag Clause Attestation Guide – Benefit Comply Resources .

Appendix – Variable Due Dates for Non-Calendar Year Plans

HIPAA Breach Notifications (Due within 60 days of the end of the plan year)

Plan Year Ending	HIPAA Breach Notifications Due to OCR
November, 2023	January 29, 2024
December 31, 2023	February 29, 2024
January 31, 2024	March 31, 2024
February 29, 2024	April 29, 2024
March 31, 2024	May 30, 2024
April 30, 2024	June 29, 2024
May 31, 2024	July 30, 2024
June 30, 2024	August 29, 2024
July 31, 2024	September 29, 2024
August 31, 2024	October 30, 2024
September 30, 2024	November 29, 2024
October 31, 2024	December 30, 2024

Medicare Part D Disclosures (Due 60 days after the start of the plan year)

Plan Year Beginning	Medicare Part D Creditable Coverage Reporting Due to CMS
December 1, 2023	January 30, 2024
January 1, 2024	March 1, 2024
February 1, 2024	April 1, 2024
March 1, 2024	April 30, 2024
April 1, 2024	May 31, 2024
May 1, 2024	June 30, 2024
June 1, 2024	July 31, 2024
July 1, 2024	August 30, 2024
August 1, 2024	September 30, 2024
September 1, 2024	October 31, 2024
October 1, 2024	November 30, 2024
November 1, 2024	December 31, 2024

5500 Reporting (Due the last day of the 7th month after the end of the plan year):

Plan Year Ending	5500 Due	Due Date with Extension
June 30, 2023	January 31, 2024	April 15, 2024
July 31, 2023	February 29, 2024	May 15, 2024
August 31, 2023	March 31, 2024	June 15, 2024
September 30, 2023	April 30, 2024	July 15, 2024
October 31, 2023	May 31, 2024	August 15, 2024
November 30, 2023	June 30, 2024	September 15, 2024
December 31, 2023	July 31, 2024	October 15, 2024
January 31, 2024	August 31, 2024	November 15, 2024
February 29, 2024	September 30, 2024	December 15, 2024
March 31, 2024	October 31, 2024	January 15, 2025
April 30, 2024	November 30, 2024	February 15, 2025
May 31, 2024	December 31, 2024	March 15, 2025

Summary of Material Modifications (Due within 210 days after end of plan year)

Plan Year Ending	SMM Due
August 31, 2023	January 27, 2024
July 31, 2023	February 27, 2024
August 31, 2023	March 29, 2024
September 30, 2023	April 28, 2024
October 31, 2023	May 29, 2024
November 30, 2023	June 28, 2024
December 31, 2023	July 28, 2024
January 31, 2024	August 31, 2024
February 29, 2024	September 28, 2024
March 31, 2024	October 28, 2024
April 30, 2024	November 27, 2024
May 31, 2024	December 28, 2024

Summary Annual Report (SAR) (Due within 9 months after end of the plan year)

Plan Year Ending	SAR Due
April 30, 2023	January 31, 2024
May 31, 2023	February 29, 2024
June 30, 2023	March 31, 2024
July 31, 2023	April 30, 2024
August 31, 2023	May 31, 2024
September 30, 2023	June 30, 2024
October 31, 2023	July 31, 2024
November 30, 2023	August 31, 2024
December 31, 2023	September 30, 2024
January 31, 2024	October 31, 2024
February 29, 2024	November 30, 2024
March 31, 2024	December 31, 2024