

2020 Compliance Calendar Health and Welfare Plans

Calendar Plan Year & Calendar Employer Tax Year*

JANUARY

S	M	T	W	T	F	S
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FEBRUARY

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MARCH

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APRIL

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MAY

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JUNE

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January 2020

31 Last day to report on Form W-2 to employees the cost of applicable employer sponsored coverage under a group health plan

February 2020

28 Paper Filing – Last day for applicable large employer member to file one or more [Forms 1094-C](#) and to file Form [1095-C](#) for each employee who was a full time employee for any month of the calendar year 2019

28 Paper Filing – Last day for person that provides minimum essential health coverage to an individual during calendar year 2019 to file an information return with the IRS reporting the coverage. Filers will use [Form 1094-B](#), Transmittal of Health Coverage Information Returns, to submit [Forms 1095-B](#), Health Coverage, to IRS.

28 Notice of Breach of Unsecured Protected Health Information – breaches affecting fewer than 500 individuals. Last day for covered entities to notify HHS of a breach affecting fewer than 500 individuals. (Covered entities must notify affected individuals of such a breach without unreasonable delay and in no case later than 60 days following the discovery of a breach.)

March 2020

02 Last day to file electronically with DOL Form M-1 annual report for MEWAs (and certain entities claiming exception) for 2019 (without extension)

02 Last day for filers of IRS Form 1095-B, Health Coverage, to furnish a copy of Form 1095-B to the person identified as the “responsible individual” on the form for coverage in 2018

02 Last day for an applicable large employer member to furnish a Form 1095-C, Employer-Provided Health Insurance Offer and Coverage, to each of its full-time employees

31 Electronic Filing – Last day for an applicable large employer member to file one or more Forms 1094-C and to file a Form 1095-C for each employee who was a full time employee for any month of the calendar year 2019

31 Electronic Filing – Last day for person that provides minimum essential coverage to an individual during calendar-year 2018 to file an information return with the IRS reporting the coverage. Filers will use Form 1094-B, Transmittal of Health Insurance Offer and Coverage Information Returns, to submit Forms 1095-B, Health Coverage, to IRS

May 2020

15 Last day (unextended deadline) to file Form 990 series for a 2019 VEBA. An automatic filing extension of 6 months may be requested by filing Form 8868 by the due date of the Form 990

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JULY

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AUGUST

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SEPTEMBER

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OCTOBER

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July 2020

28 Last day to furnish Summary of Material Modifications (SMM) to participants and beneficiaries receiving benefits

31 Last day to file Form 5500 for 2019 without extension

31 Last day (unextended deadline) to file Form 5330 and pay excise tax on disqualified benefits under funded welfare plans

31 Last day (unextended deadline) to file Form 5330 and pay excise tax on certain excess fringe benefits

September 2020

30 Last day to furnish Summary Annual Report (SAR) for 2019 plan year to participants and beneficiaries if an extension to file Form 5500 was not obtained

October 2020

Prior to Oct. 15, 2020 - Medicare Part D Creditable Coverage Notice – Employers offering prescription drug coverage to Medicare Part D eligible individuals must notify those individuals whether the offered prescription drug coverage is creditable coverage. Notice must be provided **prior to Oct. 15, 2020**.

15 Last day to file Form 5500 with extension

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NOVEMBER

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DECEMBER

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December 2020

- 15** Last day (with extension) to furnish Summary Annual Report (SAR) for 2019 plan year to participants and beneficiaries

**This calendar is designed to provide a general overview of certain key compliance dates and is not meant to indicate all possible compliance dates that may affect your plan. Please note that the "Detailed Information" section on the following pages provides additional details and explanation for these summary calendar items. Also, please refer to footnote 1 at the end of this calendar regarding assumptions for the due dates in the calendar.*

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2020 Compliance Calendar Health and Welfare Plans

2020 Calendar of Significant Due Dates for HEALTH AND WELFARE PLANS CALENDAR PLAN YEAR AND CALENDAR EMPLOYER TAX YEAR

DETAILED INFORMATION

Due Date ¹	Determination of Due Date	Action Item	Provide to/Other
Jan. 31, 2020	Jan. 31, 2020	Last day to report on Form W-2 to employees the cost of applicable employer-sponsored coverage under a group health plan.	Employees
Feb. 28, 2020	Paper Filing – Generally, Forms 1094-C and 1095-C must be filed by February 28 of the year following the calendar year to which the return relates	Paper Filing – Last day for a applicable large employer member to file one or more Forms 1094-C, Transmittal of Employer-Provided Health Insurance Offer and Coverage Information Returns, and to file a Form 1095-C, Employer-Provided Health Insurance Offer and Coverage, for each employee who was a full time employee for any month of the calendar year 2019.	IRS
Feb. 28, 2020	Paper Filing – Generally, Forms 1094-B and 1095-B must be filed with the IRS on before February 28 of the year following the calendar year of coverage.	<p>Paper Filing- Last day for person that provides minimum essential coverage to an individual during calendar year 2019 to file an information return with the IRS reporting the coverage. Filers will use 1094-B, Transmittal of Health Coverage Information Returns, to submit Forms 1095-B, Health Coverage, to IRS.</p> <p>Generally applies to self-insured (carriers are responsible for fully insured).</p> <p>If an employer is required to file 250 or more information returns, the employer must file electronically.</p> <p>Employers subject to the employer shared responsibility provisions sponsoring self-insured group health plans generally will report information about the coverage in Part III of Form 1095-C instead of on Form 1095-B.</p>	IRS
Feb. 28, 2020	<p><u>Notice to HHS</u> - Reports of breaches affecting fewer than 500 individuals are due to the HHS no later than 60 days after the end of the calendar year in which the breaches are discovered.</p> <p><u>Notice to Individuals</u> - notice to affected</p>	<p>Notice of Breach of Unsecured Protected Health Information – breaches affecting fewer than 500 individuals <u>Notice to HHS</u> – covered entities must notify HHS of breaches of unsecured protected health information. If a breach affects fewer than 500 individuals, the covered entity may notify the HHS of such breaches on an annual basis by the deadline indicated.</p> <p><u>Notice to Individuals</u> – covered entities must provide notice of the breach to affected</p>	<p>HHS</p> <p>Affected individuals</p>

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	individuals without unreasonable delay and in no case later than 60 days following the discovery of a breach.	individuals by the deadline indicated. (See Checklist entry below for breaches affecting 500 or more individuals)	
Feb. 29, 2020	60 days after the beginning date of the plan year for which disclosure is provided.	Medicare Part D Creditable Coverage Disclosure to CMS - Employers offering prescription drug coverage to Medicare Part D eligible individuals must disclose to CMS whether the coverage is creditable prescription drug coverage by submitting a completed online Creditable Coverage Disclosure to CMS Form.	CMS (online filing)
Mar. 2, 2020	A completed Form M-1 is required to be filed on or before each March 1 that follows a period for which reporting is required (for MEWAs, filing is required for each calendar year during all or part of which the MEWA is operating).	Last day to file Form M-1 annual report for MEWAs (and certain entities claiming exception) for 2019. A one-time extension of time (60 days) to file will automatically be granted if the administrator of the MEWA or ECE requests an extension by following specified procedures.	DOL EBSA (electronic filing required)
Mar. 2, 2020	Mar. 2, 2020 – In IRS Notice 2019-63, the IRS extended the due date from January 31, 2020, to March 2, 2020 for furnishing Form 1095-B to individuals.	Last day for filers of IRS Form 1095-B, Health Coverage, to furnish a copy of Form 1095-B to the person identified as the “responsible individual” on the form for coverage in 2019.	Employees
Mar. 2, 2020	Mar. 2, 2020 – In IRS Notice 2019-63, the IRS extended the due date from January 31, 2020, to March 2, 2020 for furnishing Form 1095-C to individuals.	Last day for an applicable large employer member to furnish a Form 1095-C , Employer-Provided Health Insurance Offer and Coverage, to each of its full-time employees. Self-insured should complete all three parts of Form 1095-C for any employee who enrolls in the health coverage. Fully insured should complete parts I and II of Form 1095-C.	Employees
Mar. 31, 2020	Electronic Filing – Generally, Forms 1094-C and 1095-C must be filed by March 31 of the year following the calendar year to which the return relates.	Electronic Filing – Last day for applicable large employer member to file one or more Forms 1094-C , Transmittal of Employer-Provided Health Insurance Offer and Coverage Information Returns, and to file a Form 1095-C , Employer-Provided Health Insurance Offer and Coverage, for each employee who was a full time employee for any month of the calendar year 2019.	IRS
Mar. 31, 2020	Electronic Filing – Generally, the return and	Electronic Filing - Last day for person that provides minimum essential coverage to an	IRS

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	transmittal form must be filed with the IRS on or before March 31 of the year following the calendar year of coverage. If an employer is required to file 250 or more information returns, the employer must file electronically.	individual during calendar year 2019 to file an information return with the IRS reporting the coverage. Filers will use Form 1094-B, Transmittal of Health Coverage Information Returns, to submit Forms 1095-B, Health Coverage , to IRS. Generally applies to self-insured (carriers are responsible for fully insured).	
May 15, 2020	By the 15 th day of the 5 th month after the organization's accounting period ends.	Last day (unextended deadline) to file Form 990 series for a 2019 VEBA. An automatic filing extension of 6 months may be requested by filing Form 8868 by the due date of the Form 990.	IRS
Jul. 28, 2020	Not later than 210 days after the close of the plan year in which the modification or change was adopted.	Last day to furnish Summary of Material Modifications (SMM) for 2019 plan year material modifications or changes in required Summary Plan Description (SPD) information for ERISA welfare plans (with some exceptions). ³	Plan participants and beneficiaries receiving benefits under the plan
Jul. 31, 2020	Last day of 7 th calendar month after end of plan year.	Last day (unextended deadline) to file Form 5500 annual report for 2019 for ERISA welfare plans.	File electronically under computerized ERISA Filing Acceptance System (EFAST2) (DOL)
Jul. 31, 2020	Last day of 7 th month after the end of the tax year of the employer or other person.	Last day (unextended deadline) to file Form 5330² and pay excise tax on disqualified benefits under funded welfare plans under <i>Code section 4976</i> .	IRS
Jul. 31, 2020	Last day of 7 th month after the end of the calendar year in which the excess fringe benefits were paid to employees.	Last day (unextended deadline) to file Form 5330² and pay excise tax on certain excess fringe benefits under <i>Code section 4977</i> .	IRS
Sep. 30, 2020	9 months after the close of the plan year.	Last day to furnish Summary Annual Report (SAR) for 2019 plan year unless an extension to file Form 5500 was obtained.	Plan participants, including COBRA beneficiaries and retirees, if applicable
Prior to Oct. 15, 2020	Notice must be provided prior to Oct. 15, 2020 .	Medicare Part D Creditable Coverage Notice – Employers offering prescription drug coverage to Medicare Part D eligible individuals must notify those individuals whether the offered prescription drug coverage is creditable coverage .	Medicare-eligible participants and beneficiaries
Oct. 15, 2020	The 15 th day of the 3 rd month following the Form 5500 normal (unextended) due date (in the case of Form 5558 maximum extension).	Last day to file Form 5500 annual report for 2019 plan year if Form 5558 was filed on or before the normal Form 5500 due date (not including any extensions) and the maximum extension period was requested.	File electronically under computerized ERISA Filing Acceptance System (EFAST2) (DOL)

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	An extension to Oct. 15, 2020 to file the C corporation employer federal corporate income tax return (where a Form 7004 was filed on or before the due date of the federal corporate income tax return) automatically triggers an October 15, 2020 extension to file Form 5500 if certain conditions are met.	Last day to file Form 5500 if a C corporation employer plan sponsor filed Form 7004 on or before the due date of its federal corporate tax return for the 6 month automatic extension to Oct. 15, 2020 to file the federal corporate income tax return.	
Dec. 15, 2020	2 months following the Form 5500 <i>requested</i> due date extension to Oct. 15, 2020. 2 months following the Form 5500 <i>automatic</i> due date extension to Oct. 15, 2020.	Last day to furnish Summary Annual Report (SAR) for 2019 plan year if Form 5558 was filed and the maximum extension period to file Form 5500 was requested. Last day to furnish the Summary Annual Report (SAR) for 2019 plan year if C corporation employer plan sponsor filed Form 7004 on or before the due date of its federal corporate income tax return for the 6 month automatic extension to Oct. 15, 2020 to file the federal corporate income tax return.	Plan participants, including COBRA beneficiaries and retirees, if applicable

Please note that this calendar is designed to provide a general overview of certain key compliance dates and is not meant to indicate all possible compliance dates that may affect your plan. Copyright © 2020 by Findley, Inc. All rights reserved.

Footnotes:

1. The due dates in this calendar assume: the plan is a single-employer defined contribution plan; the plan is not a government or non-electing church plan; the plan year is a full calendar year (not a short plan year); and the sponsoring employer uses the calendar year as its tax year and a short tax year is not involved.
2. To request an extension to file Form 5330, you must file Form 5558 in sufficient time for the IRS to consider and act on the request before the Form 5330 normal due date (an extension of time to file does not extend the time to pay the tax due).

CHECKLIST - Other Selected Requirements – No Specific Deadline

Due Date ¹	Determination of Due Date	Action Item	Provide to/Other
Summary of Benefits and Coverage	Provide with enrollment materials and on renewal or reissuance of coverage. Also provide to special enrollees no later than the date by which an SPD is required to be provided (within 90 days of enrollment). Also provide on request within 7 days.	Group health plans – plan administrators of self-insured plans and plan administrators or insurers of insured health plans must provide summary of benefits and coverage. DOL template available.	Participants and beneficiaries including COBRA beneficiaries
Summary of Benefits and Coverage – Notice of Modification	Provide no later than 60 days prior to the date on which the modification will become effective.	If a plan makes a material modification to any plan terms that would affect the content of the most recently provided SBC, the plan must provide notice of the change. This does not apply to changes that occur in connection with a renewal or reissuance.	Participants and beneficiaries
Plan Document	No affirmative obligation to distribute; however, must provide a copy within 30 days of request.	Plan administrator must furnish copies upon written request and must have copies available for examination at its principal office and certain other locations.	Participants and beneficiaries
Summary Plan Description (SPD)	Provide within 90 days of plan coverage. Updated SPD must be issued every 5 years if plan amended; otherwise every 10 years. Must provide copies within 30 days of request.	Plan administrator must furnish SPD as indicated. Plan administrator must furnish copies upon written request and must have copies available for examination at its principal office and certain other locations.	Participants, including COBRA beneficiaries and retirees if applicable
COBRA Initial Notice	Upon commencement of group health coverage and within 90 days of coverage of new spouse.	Plan administrator must provide written notice of participant’s right to purchase temporary extension of group health coverage.	Affected participants and other qualified beneficiaries
Disclosure of External Review	Provide in SPD or other evidence of coverage provided to enrollees.	Non-grandfathered plans must provide a description of the external review process in (or attached to) the SPD, policy, certificate, or other evidence of coverage provided to participants, beneficiaries or enrollees.	Plan participants, enrollees and beneficiaries, including COBRA beneficiaries
Notice Regarding Primary Care Provider	Notice must be provided whenever the plan or issuer provides a participant with a SPD	If a non-grandfathered plan requires participant or beneficiary to designate a primary care provider (PCP), the plan must provide notice of the terms of the plan or	Participants

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Designation (If Applicable)	or any other similar description of benefits.	coverage regarding designation of a PCP and participants' rights to designate (1) any PCP available to accept the participant; (2) any participating physician who specializes in pediatrics for a child; and that the plan may not require pre-authorization for or referral to a participating OB/GYN.	
CHIPRA Notice	Notice must be furnished annually.	Employer (rather than plan) must inform employees of possible premium assistance opportunities in the state they reside. (Applies if benefits available under state law.) Model notice available from DOL.	Employees
Medical Child Support Order (MCSO) Notice	Plan administrator, upon receipt of MCSO, must promptly issue notice (including plan's procedures for determining its qualified status). Plan administrator must also issue separate notice as to whether the MSCO is qualified within a reasonable time after its receipt.	If a MCSO is received by a group health plan, plan administrator must provide notification regarding receipt and qualification determination on the MCSO directing the plan to provide health coverage to a participant's noncustodial children.	Participants, any child named in an MCSO, and his or her representative
Michelle's Law Notice	Notice must be included with any notice regarding a requirement for certification of student status for coverage under the plan. (Often included in the SPD.)	Must include a description of the Michelle's Law provision for continued coverage during medically necessary leaves of absence. Note that under the Affordable Care Act, plans cannot deny or restrict coverage for a child under the age of 26 based on student status. Accordingly, the impact of Michele's Law is limited primarily to plans that choose to make coverage available for children who are age 26 or older if the adult child is a student, but which do not otherwise provide coverage for adult children who are that same age.	Participants and beneficiaries
Newborns' Act Description of Rights	Notice must be included in the SPD.	Group health plan that provides maternity or newborn infant coverage - Notice must include a statement describing any requirements under federal or state law that relate to a hospital length of stay in connection with childbirth. If the federal law applies in some areas in which the plan operates and state law applies in other areas, the SPD should describe the federal or state requirements applicable to each area.	Participants
Women's Health and Cancer Rights Act	Notice must be furnished upon enrollment and annually.	Group health plans that provide coverage for mastectomy benefits - Notice describing required benefits for mastectomy-related reconstructive surgery, prostheses, and	Participants

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		treatment of physical complications of mastectomy.	
Grandfathered Plan Status Notice	Notice must be included in any plan materials describing the benefits or health coverage (for as long as plan maintains such status).	Group health plans claiming grandfathered status - Notice must disclose the plan is grandfathered and must include contact information for questions and complaints.	Participants and beneficiaries, including COBRA beneficiaries
Notice of Breach of Unsecured Protected Health Information (for breaches affecting 500 or more individuals).	Without unreasonable delay and in no case more than 60 days after discovery of a breach of unsecured protected health information.	<p><u>Notice to HHS</u> - If a breach affects 500 or more individuals, covered entities must notify HHS.</p> <p><u>Notice to Media</u> - If a breach affects more than 500 residents of a State or jurisdiction, covered entities must provide notice of the breach to prominent media outlets serving the state or jurisdiction.</p> <p><u>Notice to Individuals</u> - covered entities must provide notice of the breach to affected individuals.</p>	<p>HHS</p> <p>Media</p> <p>Individuals</p>

ADDITIONAL INFORMATION

Please note that this calendar/checklist is designed to provide a general overview of certain key compliance dates or requirements related to filings, notices, and disclosures for health and welfare plans. It is not meant to indicate all possible compliance dates or requirements that may affect your plan.

While this calendar/checklist focuses on selected filing, notice, and disclosure requirements and due dates, there are other compliance, filing, notice, and disclosure requirements that may apply to health and welfare plans. These may include, for example:

- Nondiscrimination testing requirements;
- HIPAA privacy and security requirements;
- Wellness plan requirements; and
- Mental health parity MHPAEA requirements.

For more information on these requirements or on the entries or requirements in the calendar/checklist above, please contact the Findley consultant with whom you normally work or John Lucas at 615.665.5329, John.Lucas@findley.com.

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Footnotes:

3. The due dates in the calendar assume: the plan is a single-employer plan; the plan is not a government or non-electing church plan; the plan year is a full calendar year (not a short plan year); and the sponsoring employer uses the calendar year as its tax year and a short tax year is not involved.
4. To request an extension to file Form 5330, you must file Form 5558 in sufficient time for the IRS to consider and act on the request before the Form 5330's normal due date. An extension of time to file does not extend the time to pay the tax due.
5. If the modification or change is a material reduction in covered services or benefits under a group health plan, then the SMM must be furnished no later than 60 days after the date of adoption of the modification or change. However, the administrator of a group health plan is not required to furnish a summary of such material reduction to any participant who would reasonably be expected to receive such summary in connection with a system of communication with participants maintained by the plan sponsor or administrator. The communication system must provide plan information (including changes and modifications) at regular intervals of not more than 90 days and the communication must otherwise meet the applicable disclosure requirements.