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EMPLOYEE BENEFITS COMPLIANCE TOOLBOX



UBA EXPERT COMPLIANCE RESOURCES

Group Health Plan Legislation Chart

May 25, 2026

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:

- Plans may be subject to state mandates and certain Affordable Care Act (ACA) requirements based on the size and funding of the group health plan.
- For self-funded groups, ERISA preempts state laws.



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	Small Group	Large Group	Fully Insured	Self-Funded
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	No	Yes
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, 100+	Yes, all sizes if trust
Summary Annual Report (SAR)	No, unless self-funded trust	Yes, 100+	Yes, 100+	Yes, all sizes if trust
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	Fully Insured	Self-Funded
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) ¹	Carrier	Plan Sponsor	Carrier	Plan Sponsor
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 ²	Yes	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	Fully Insured	Self-Funded
Affordable Care Act				
Look-back Measurement and Monthly Measurement	No	ALE	Yes	Yes
Essential Health Benefits (EHB)	Yes, <50	No	Yes	No
Applicable Large Employer (ALE)	N/A	Yes, 50+	Yes, 50+	Yes, 50+
Patient-Centered Outcomes Research Institute (PCORI) ³	Yes ⁴	Yes	Yes	Yes
Employer Mandate (Pay or Play)				
Minimum Essential Coverage (MEC)	No	ALE	Yes	Yes
Minimum Value (MV)	No	ALE	Yes	Yes
Affordability	No	ALE	Yes	Yes
Safe Harbor Method of Affordability	No	ALE	Yes	Yes
Reporting Section 6055 & 6056 - 1094/1095				
6056 - Form 1094-C (all parts) & 1095-C (Parts I & II)	N/A	ALE	Yes	Yes
6056 - Form 1094-C (all parts) & 1095-C (Part III)	N/A	ALE	N/A	Yes
6055 - Form 1094-B & 1095-B (Parts I, II & IV)	Yes, <50	N/A	Yes (carrier)	Yes (employer)

	Small Group	Large Group	Fully Insured	Self-Funded
Consolidated Appropriations Act (CAA)				
Title I - No Surprises Act (NSA)				
Surprise billing protections	Yes	Yes	Yes	Yes
Independent dispute resolution (IDR)	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
Air ambulance	Yes	Yes	Yes	Yes
Federal external review	Yes	Yes	Yes	Yes
Title II - Transparency in Coverage (TiC) ⁵				
Broker compensation disclosures	Yes	Yes	Yes	Yes
Prescription Drug Data Collection (RxDC) reporting	Yes	Yes	Yes	Yes
Gag Clause Prohibition Compliance Attestation (GCPCA)	Yes	Yes	Yes	Yes
Machine readable files	Yes	Yes	Yes	Yes
Price comparison tool	Yes	Yes	Yes	Yes
Mental Health Parity and Addiction Equity Act (MHPAEA) ⁶				
Non-Quantitative Treatment Limit (NQTL) Comparative Analysis	Yes	Yes	Yes	Yes
Quantitative Treatment Limits (QTL), Lifetime & Annual Dollar Limits	Yes	Yes	Yes	Yes



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	Small Group	Large Group	Fully Insured	Self-Funded
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 II: Privacy, Security & Breach Notification Rules ⁷	<50 ⁸	50+	Yes	Yes/No ⁹
Privacy Policy ¹	Carrier	Plan Sponsor	Carrier	Plan Sponsor



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	Small Group	Large Group	Fully Insured	Self-Funded
Family and Medical Leave Act (FMLA)				
FMLA	No	Yes	Yes	Yes
General Information				
Level-funded plans follow the self-funded rules	Yes	Yes	N/A	Yes
Excepted Benefits	Yes	Yes	Yes	Yes
State Driven Legislation				
State-specific mandates	Yes	Yes	Yes	No
Contraceptive coverage	Yes	Yes	Yes	No
Domestic partner coverage	Yes	Yes	Yes	No
Substance abuse and mental health services	Yes	Yes	Yes	No
Surprise Billing Laws (coordinate with NSA)	Yes	Yes	Yes	No
Carrier rates	Age-banded ¹⁰	Custom/Tiered		
Consolidated Omnibus Budget Reconciliation Act (COBRA)				
COBRA	20+	Yes	Yes	Yes
State Mini-COBRA	<20	No	Yes	No

Notes:

- 1 Carrier provides notice and policy, unless the group has access to protected health information (PHI). Otherwise, the plan sponsor provides.
- 2 The disclosure applies to all plans that provide mental health or substance abuse disorder benefits, except for level-funded plans under 50 employees, which do not require disclosure or NQTL analysis.
- 3 Does not apply to excepted benefits.
- 4 Carrier files if plan is fully insured.
- 5 Excepted benefits are exempt: Dental, Vision, FSA, HRA.
- 6 Fully insured plans are managed by the carrier. The plan fiduciary should verify all requirements. Self-funded plans are managed by the plan's fiduciary for all requirements. Small self-funded or level funded plans are exempt.
- 7 If the employer, regardless of size, has access to PHI or e-PHI, Title II applies.
- 8 Not applicable to self-funded, self-administered plans with fewer than 50 lives.
- 9 If the plan does not receive PHI (limited to enrollment/disenrollment), the carrier is responsible for Title II.
- 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.