



Checklist:

ACA Reporting

Let's prepare to meet your annual compliance requirements.

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ACA Reporting Checklist

Meeting the compliance test for the Affordable Care Act requires a collaborative effort by human resources and benefits management, information technology and the finance department or Chief Financial Officer.

HUB International recommends that employers develop and maintain a fiduciary file of important documents and calculations that prove ACA reporting defensibility and good faith efforts.

Review this checklist to ensure you have what you'll need to show to defend your choices, actions and calculations.*

ACA Compliance Requirements

- Distribute Notice of Exchange to all new hires.
- Ensure proper Form W-2 reporting for employers issuing 250 or more Form W-2s annually.
- Maintain record of compliance with annual dollar limit prohibition on Essential Health Benefits (EHB). Including no reimbursements for individual policies and the prohibition of non-integrated Health Reimbursement Arrangements (HRA).
- Calculate and remit health care reform fees, including: Patient-Centered Outcomes Research (PCOR) Fee and Reinsurance Fees, where applicable, by their respective deadlines.
- Ensure compliance and recordkeeping of waiting period limitation.
- Maintain record of grandfathered status and proof of eligibility for status, as well as proof of notice of grandfathered status.
- Maintain a record of Premium Adjustment Percentage calculations, out-of-network spending and counting methods, as well as adherence with limits applicable to covered, in-network Essential Health Benefits pursuant to the maximum out-of-pocket rules.
- Ensure to include records for pharmacy benefits.
- Implement and maintain record of HIPAA Compliance for self-funded plans.

Employer Shared Responsibility Mandate Compliance Requirements

- Obtain benefits waivers to show the offer and denial of coverage. If you are unable to secure a waiver, keep copies of the Waiver Request Letter, and ensure the letter includes a description of the offer of coverage and the inaction will be considered a waiver/declination of coverage.
- Demonstrate your calculation model to prove affordability based on accurate and real employee data.
- Demonstrate the applicability of use of the safe-harbor provision to prove affordability.

- Collect Social Security Numbers for all enrolled for purposes of ACA reporting.
 - Provide a log of the three attempts made during the coverage year to secure social security numbers for each employee, the communications that were used and when they were issued.
- Maintain a record of all calculations and determinations for purposes of proving up Employer Shared Responsibility provision compliance.
 - Maintain record of method and calculation of Applicable Large Employer (ALE) status.
 - Maintain a log of, and ensure recordkeeping supports each employee's classification.
 - Maintain a record of your measurement look-back period, stability period and administrative period to demonstrate classification and offer of coverage decisions.
 - Maintain record of transitional relief determination.

ACA Reporting Requirements

- Maintain a record of completed IRS Forms 1094/95 – B and C.
 - Including a record of Forms 1094/95 - for non-integrated HRAs.

Annual Compliance Requirements

- Maintain, update and distribute Summary Plan Descriptions (SPD), Summary of Benefits and Coverage (SBC), 'wrap' documents and plan documents within ERISA timelines and guidelines.
 - Ensure commuter benefit plans, cafeteria plans, wellness plans and other fringe benefit plans have the necessary plan documentation
- File Form 5500 with the Department of Labor (DOL).
- Distribute Summary Annual Report to plan participants.
- Obtain domestic partner affidavits, where applicable, and ensure proper taxation.
- Distribute required annual notices (including, but not limited to, Women's Health and Cancer Rights Act, HIPAA Privacy Notice, Medicare Part D Creditable and Non-creditable Coverage Notice, and Federal Children's Health Insurance Program Notice).
- Distribute COBRA notices within the DOL timelines.
- Submit creditable coverage disclosure to Centers for Medicare and Medicaid Service (CMS)
- Conduct nondiscrimination tests and file results in the event of an audit. Tax where required for test failures if timely resolution of the error is not possible.
- Document protected and discretionary leaves, including copies of all notices.

Now's the Time to Act

For more information about the actions you should take before, contact HUB International.

[Contact a HUB Employee Benefits advisor today](#)

**This checklist is intended to offer a high-level overview of major employee benefits plan documentation and is not representative of all requirements that may apply to your plan.*

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