



Federal Group Health and Welfare Plan Laws by Employer Size

This chart serves as a reference to federal laws affecting group health plans and provides an overview of each law, including employer requirements. This chart only features laws relating to group health plans. See the [Federal Employment Laws by Employer Size](#) chart for an overview of *all* additional laws that affect employers.

Employer Size	Provision
All Employers	<ul style="list-style-type: none"> Employee Retirement Income Security Act (ERISA) (other than governmental employers and certain church plans) Health Insurance Portability and Accountability Act (HIPAA) Medicare Modernization Act, Medicare as Secondary Payer (MSP) Rules Michelle's Law Newborns' and Mothers' Health Protection Act (NMHPA) No Surprises Act, Transparency in Coverage Rules No Surprises Act, Gag Clause Prohibition Rules No Surprises Act, Prescription Drug Data Collection Rules Uniformed Services Employment and Reemployment Rights Act (USERRA) Women's Health and Cancer Rights Act (WHCRA)
15 or More Employees	<ul style="list-style-type: none"> Genetic Information Nondiscrimination Act (GINA)
20 or More Employees	<ul style="list-style-type: none"> Consolidated Omnibus Budget Reconciliation Act (COBRA)
50 or More Employees	<ul style="list-style-type: none"> Affordable Care Act (ACA) Family and Medical Leave Act (FMLA) Mental Health Parity and Addiction Equity Act (MHPAEA)

Federal Law	What it Does	Requirements
All Employers	<p>Employee Retirement Income Security Act (ERISA)</p> <p>Sets minimum standards for retirement and health benefit plans in private industry in the areas of standards of conduct, fiduciary rules, and reporting requirements to the government and to the plan participants. ERISA does not require any employer to establish a plan, but employers that establish plans must meet certain minimum standards.</p> <p>ERISA covers retirement, health, and other welfare benefit plans such as life, disability, and apprenticeship plans.</p> <p>Note: ERISA does not apply to plans sponsored by governmental employers (such as cities, counties, and public school districts) or certain church plans.</p>	<p>Posting: None</p> <p>Notice:</p> <ul style="list-style-type: none"> Welfare Plans: ERISA contains several notice requirements for health and welfare plans, including a Summary Plan Description (SPD). For health plans, other notices may be required depending on the number of employees and benefits offered by the plan. See the Reporting and Disclosure Guide for Employee Benefit Plans for certain basic disclosure requirements under ERISA. Retirement Plans: ERISA contains several notice requirements for retirement plans, such as the SPD, individual benefit statements, and the Summary Annual Report. See above for guide. <p>Reporting: Annual reporting requirement for certain plans. See ERISA: Form 5500 Introduction.</p>

Federal Law	What it Does	Requirements
All Employers (continued)		
Health Insurance Portability and Accountability Act (HIPAA)	<p>Provides for the portability of employee healthcare plans and provides for the protection of certain healthcare-related information.</p> <p>With some limited exceptions, HIPAA applies to all health plans, including self-insured and fully insured plans.</p>	<p>Posting: None</p> <p>Notice:</p> <ul style="list-style-type: none"> • HIPAA Privacy Notices to inform plan participants how their protected health information (PHI) will be used and safeguarded. • SPDs and Summary of Material Modifications (SMMs) should include a description of the classes eligible for coverage, when coverage starts and ends, and the circumstances that could result in loss of eligibility; an explanation of events (such as acquiring new dependents or suffering loss of coverage under another plan) that allow the employee to make midyear enrollment changes; and notification of where participants and beneficiaries can go for assistance or information on their rights under ERISA and HIPAA. <p>Reporting: None</p>
Medicare Modernization Act, Medicare as Secondary Payer (MSP)	<p>Ensures Medicare does not pay for services when an employer-sponsored group health plan is responsible and protects Medicare's financial integrity.</p>	<p>Posting: None</p> <p>Notice: All group health plans that provide prescription drug coverage to Medicare-eligible participants must provide notice and report to the Centers for Medicare and Medicaid Services (CMS) annually. See Employer Responsibilities with Medicare Notices for disclosure requirements.</p> <p>Reporting: Annual reporting for plans covering Medicare eligible participants. See CMS Disclosure Instructions for reporting requirements.</p>
Michelle's Law	<p>Amended ERISA to continue coverage for a dependent child over age 26 enrolled in their parent's plan due to a medically necessary leave of absence that causes the loss of student status if the plan includes adult child coverage while a student.</p>	<p>Posting: None</p> <p>Notice: Notice may be included in the SPD, or the notice must be included with any requirement for certification of student status for coverage under the plan.</p> <p>Reporting: None</p>
Newborns' and Mothers' Health Protection Act (NMHPA)	<p>Requires group health plans that offer maternity coverage to pay for at least a 48-hour hospital stay following childbirth (96-hour stay in the case of a Cesarean section).</p>	<p>Posting: None</p> <p>Notice: All group health plans that provide maternity or newborn infant coverage must include a statement in their SPD advising participants of the NMHPA requirements.</p> <p>Reporting: None</p>

Federal Law	What it Does	Requirements
All Employers (continued)		
No Surprises Act, Transparency in Coverage Rules	Expanded the ACA transparency rules to protect employees from unexpected medical bills by requiring health plans and insurers to provide information on pricing and coverage.	Posting: Provide required pricing information for in-network and out-of-network covered items or services on a public-facing website and a price comparison tool. Notice: None Reporting: None
No Surprises Act, Gag Clause Prohibition Rules	Prohibits group health plans and insurers from entering into any contract that restricts certain cost and quality of care information and data from being provided to another.	Posting: None Notice: None Reporting: Annual attestation submission.
No Surprises Act, Prescription Drug Data Collection Rules	Expands transparency rules by requiring health plans and insurers to report detailed information on prescription drug pricing and usage.	Posting: None Notice: None Reporting: Annual reporting requirement
Uniformed Services Employment and Reemployment Rights Act (USERRA)	Prohibits discrimination based on current or past membership, or application for membership, in the uniformed services. Protects civilian job rights and benefits while absent for service. Provides protections for veterans with disabilities, requires reasonable accommodations for disabilities, and establishes re-employment rights. Establishes five years as the cumulative length an individual may be absent from work for military duty and retain re-employment rights, with exception	Posting and Notice: Employers are required to provide those covered by USERRA with a notice of the rights, benefits, and obligations under USERRA. To do this, employers may post the Your Rights Under USERRA notice where employer notices are customarily placed; the notice may also be mailed or distributed via email. Reporting: None
Women's Health and Cancer Rights Act (WHCRA)	Provides protections for individuals who elect breast reconstruction after a covered mastectomy.	Posting: None Notice: Written notice about the availability of mastectomy-related benefits is required for plans that cover mastectomies. Reporting: None
15 or More Employees		
Genetic Information Nondiscrimination Act (GINA)	Prohibits discrimination against employees or applicants because of genetic information. However, a research exemption exists that permits a plan under certain conditions to request (but not require) a participant or beneficiary to undergo a genetic test.	Posting: Covered by Title VII posting requirement. Notice: There are notice requirements under the research exception to GINA. Reporting: None

Federal Law	What it Does	Requirements
20 or More Employees		

[Consolidated Omnibus Budget Reconciliation Act \(COBRA\)](#)

Requires most group health plans to offer persons who lose coverage due to certain events the opportunity to continue their coverage on a self-pay basis.

Posting: None

Notice: Group health plans must provide covered employees and their families with certain [notices](#) explaining their COBRA rights. They must also contain rules for how COBRA continuation coverage is offered, how qualified beneficiaries may elect continuation coverage, and when coverage can be terminated.

Reporting: None

50 or More Employees		
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[Affordable Care Act \(ACA\)](#)

Prohibits health plans from imposing pre-existing condition exclusions, annual or lifetime dollar maximums on essential health benefits (EHBs), and various other restrictions. Requires applicable large employers (ALEs) to either offer minimum essential coverage (MEC) that is affordable and provides minimum value to full-time employees (and their children) or risk paying a shared responsibility payment.

Posting: None

Notice: There are numerous requirements under the ACA for group health plans to provide notices to employees, plan participants, and others eligible for benefits of various provisions of the act. For more information, see the Department of Labor [Employee Benefits Security Administration Affordable Care Act](#) website.

Reporting:

- Annual reporting requirements for small, self-insured group health plans, see [ACA Reporting on Forms 1094-B and 1095-B](#), and for all large plans, see [ACA Reporting on Forms 1094-C and 1095-C](#).
- Self-insured plans have additional reporting requirements (see [ACA: PCORI Fee](#)).
- Employers that file 250 or more [Forms W-2](#) must report the aggregate cost of applicable employer-sponsored healthcare coverage on each employee's form.

Federal Law	What it Does	Requirements
50 or More Employees (continued)		
Family and Medical Leave Act (FMLA)	Entitles eligible employees of employers to take unpaid, job-protected leave for specified family, medical, and military reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave.	<p>Posting: All employers are required to display and keep on display a poster explaining the provisions of the FMLA and telling employees how to file a complaint of violations of the act with the Wage and Hour Division. The poster must be displayed prominently where employees and applicants for employment can see it. The poster and all the text must be large enough to be easily read and contain fully legible text. Employers must display the poster even if no employees are eligible for FMLA leave. Where the employer's workforce has a significant portion of workers who are not literate in English, the employer is required to provide the notice in a language in which the employees are literate.</p> <p>Notice: Employers are required to provide certain notices (General, Eligibility, Rights and Responsibilities, and Designation) at different times. These notices are explained in WHD Fact Sheet #28D.</p> <p>Reporting: None</p>
Mental Health Parity and Addiction Equity Act (MHPAEA)	Requires group health plans and health insurance issuers to ensure that financial requirements (such as copays and deductibles) and treatment limitations (such as visit limits) applicable to mental health or substance use disorder benefits are no more restrictive than the predominant requirements or limitations applied to substantially all medical/surgical benefits. MHPAEA supplements prior provisions under the Mental Health Parity Act of 1996 (MHPA), which required parity with respect to aggregate lifetime and annual dollar limits for mental health benefits.	<p>Posting: None</p> <p>Notice: Upon request, provide the standards for medical necessity determinations and reasons for any denial of mental health or substance use disorder benefits.</p> <p>Reporting: None</p>