# SEVEN COMPLIANCE PRIORITIES EMPLOYERS SHOULD ADDRESS NOW

A practical briefing for employers and plan sponsors trying to stay ahead of deadlines, document decisions and reduce avoidable risk.

Compliance problems rarely begin with one dramatic mistake. More often, they start with unclear ownership, vendor assumptions, missing evidence or plan terms that no longer match how the benefit is administered. Midyear is the right time to close those gaps before renewal and year-end reporting.

**JULY 31**
Common Form 5500 and PCORI filing deadline for calendar-year plans [1][2]

**$3.84**
PCORI rate per covered life for calendar-year 2025 plans [1]

**9.96%**
ACA affordablity percentage for plan years beginning in 2026 [3]

**Inside this issue** Seven compliance responsibilities that deserve attention before open enrollment and year-end.

1. PCORI fees and Form 720
2. Form 5500 and ERISA reporting
3. ACA affordability and plan contributions
4. ACA reporting and Form 1095-C furnishing
5. RxDC evidence and vendor reconciliation
6. Gag Clause attestation and data access
7. Mental health parity and fiduciary documentation

**The common thread:** Know who owns every obligation - and keep proof that it was completed.

Information current as of July 17, 2026. Full source list appears on page 3.

1 TOPIC 1

## PCORI Fees and Form 720 [1]

Applicable self-funded plans and HRAs with plan years ending in 2025 generally must file Form 720 and pay the PCORI fee by July 31, 2026. Calendar-year 2025 plans use $3.84 per covered life; plans ending January through September 2025 use $3.47. The rate follows the plan-year end date, not the filing date.

**What employers should do:** Confirm which arrangements are subject to the fee, select and document the counting method, verify average covered lives, and retain the census, calculation, filed Form 720 and payment confirmation. Do not assume the TPA files for a self-funded plan.

2 TOPIC 2

## Form 5500 and ERISA Reporting [2][8]

Form 5500 is generally due on the last day of the seventh month after the plan year ends - July 31 for calendar-year plans. A timely Form 5558 can provide a one-time extension of up to 2.5 months. Filing the return does not fix missing or outdated ERISA documents.

**What employers should do:** Confirm the plan's filing status and any exemption, reconcile the plan name, EIN and plan number, obtain Schedule A and service-provider information, and make sure the SPD, wrap document, SMMs and actual administration agree.

3 TOPIC 3

## ACA Affordability and Plan Contributions [3]

For plan years beginning in 2026, the ACA affordability percentage is 9.96%. ALEs should test the employee contribution for the lowest-cost self-only option that provides minimum value, using a permissible safe harbor and consistent employee categories.

**What employers should do:** Run the test before contributions are finalized. Pay special attention to lower-wage, variable-hour and partially employed workers, and retain the payroll inputs, safe-harbor selection, calculation and review approval.

4 TOPIC 4

## ACA Reporting and Form 1095-C Furnishing [4]

ALEs still must file Forms 1094-C and 1095-C with the IRS, and full-time employees generally must receive Form 1095-C. The website-notice alternative is narrower: it can apply to non-full-time employees and nonemployees enrolled in an ALE's self-insured plan, if the required notice is posted and requested statements are furnished within 30 days.

**What employers should do:** Confirm who receives a form automatically, who may use the request process, whether the notice remains posted through October 15, 2026, and whether corrections and rejected AIR submissions have been resolved.

**A filing confirmation is useful. A complete compliance file shows the data, assumptions, responsible party, review and proof of completion.**

5 TOPIC 5

## RxDC Evidence and Vendor Reconciliation [5]

The 2025 RxDC report was due June 1, 2026. A carrier, TPA or PBM may submit on the plan's behalf, but CMS does not notify the employer that the filing is complete. Multiple vendors may submit different files, so one vendor's confirmation may not cover the entire report.

**What employers should do:** Obtain written confirmation of who submitted P2 and D1-D8, as applicable, along with submission IDs or other proof. Document gaps now and assign responsibilities earlier for the 2026 reference-year filing.

6 TOPIC 6

## Gag Clause Attestation and Data Access [6]

Fully insured and self-funded plans must submit an annual Gag Clause Prohibition Compliance Attestation by December 31. The rule is not just a filing exercise; it protects access to provider cost and quality data and de-identified claims information.

**What employers should do:** Review network, TPA, PBM and other service-provider contracts for prohibited restrictions. Decide who will attest, confirm authority, and retain the attestation confirmation and supporting contract review.

7 TOPIC 7

## Mental Health Parity and Fiduciary Documentation [7][8]

The Departments are not enforcing the new portions of the 2024 MHPAEA final rule during the current litigation and for an additional 18 months after a final decision. Existing MHPAEA rules and the CAA statutory requirement for an NQTL comparative analysis remain in effect.

**What employers should do:** Obtain the current comparative analysis, test network access and prior-authorization practices, review the outcomes data the plan receives, and document the fiduciaries' evaluation rather than relying on a vendor's general assurance.

## A PRACTICAL 90-DAY COMPLIANCE ACTION PLAN

1. File or confirm the July 31 Form 5500 and PCORI obligations.
2. Build one vendor-responsibility map for RxDC, Gag Clause, ACA and parity work.
3. Refresh the SPD, wrap document, SMMs, COBRA procedures and open-enrollment notices.
4. Run ACA affordability and applicable Section 125 and nondiscrimination reviews.
5. Hold a documented fiduciary meeting and retain the materials reviewed and decisions made.

## ABOUT CORRY HULL

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HealthReformGuy shares practical insight for employers building more transparent, affordable and high-performing health plans.

## SOURCES

[1] IRS - PCORI filing dates and rates
[2] DOL EFAST2 - Form 5500 filing guidance
[3] IRS Revenue Procedure 2025-25
[4] IRS - 2025 Forms 1094-C and 1095-C instructions
[5] CMS - 2025 RxDC reporting instructions
[6] CMS - Gag Clause attestation guidance
[7] DOL - MHPAEA enforcement statement
[8] DOL - Group health plan fiduciary responsibilities