



2024 Health and Welfare Plan Penalties

The following 2024 adjusted penalty figures on page 1 of this document are effective for any civil penalties imposed after Jan 15, 2024.

Filing and disclosure violations	2024 Penalties	2023 Penalties
Failure to file Form 5500	\$2,670/day	\$2,586/day
Failure to file Form M-1	\$1,942/day	\$1,881/day
Failure to provide plan documents to plan participants and their beneficiaries upon request (SPD, SMM)	\$110/day	\$110/day
Failure to provide plan documents to DOL within 30 days after request	\$190/day maximum \$1,906/request	\$184/day maximum \$1,846/request
Failure to comply with WHCRA notice requirement	\$100/day per employee	\$100/day per employee
Failure to comply with Medicaid/CHIP notice requirement	\$141/day per employee	\$137/day per employee
Failure to provide summary of benefits and coverage (SBC)	\$1,406/day per affected individual	\$1,362/day per affected individual
Violation of Genetic Information Nondiscrimination Act (GINA) by plan sponsors	\$141/day per employee	\$137/day per participant
Failure to notify participants and beneficiaries of their COBRA rights within 14 days of notice of qualifying event	\$110/day	\$110/day
Failure to provide Medicare Part D Notice	No enforcement from CMS. However, potential adverse consequences for plan participant.	
Failure to provide HIPAA Privacy Notice	\$100/day per employee	\$100/day per employee
Failure to provide HIPAA Special Enrollment Rights Notice	\$100/day per employee	\$100/day per employee

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Filing and Disclosure Violations	2024 Penalties	2023 Penalties
Failure for violating the HIPAA Privacy and Security Rules	Ranges from \$137 to \$68,928/violation*	Ranges from \$127 to \$63,973/violation*
ACA Notices (Patient Protection Notice, Rescission of Coverage Notice, etc.)	\$100/day per affected individual	\$100/day per affected individual
ACA penalties	2024 Penalties	2023 Penalties
Failure to comply with ACA benefit mandates	\$100/day per individual	\$100/day per individual
Failure to furnish ACA informational return (Form 1095-C, Form 1095-B) to employees	\$310/return**	\$290/return**
Failure to file ACA informational return (Form 1095-C/B, 1094-C/B) with IRS	\$310/return**	\$290/return**
Failure to offer minimum essential coverage to 95% of ACA FTEs	\$2,970/year*** (\$247.50/month)	\$2,880/year*** (\$240/month)
Failure to offer coverage that is not affordable or minimum value	\$4,460/year**** (\$371.67/month)	\$4,320/year**** (\$360/month)

Maximum criminal penalties may apply up to \$100,000 fine and/or imprisonment for up to 10 years.

*Penalty applies to cases assessed on or after Oct. 6 of the previous year. Penalty amount ranges depending on culpability: lack of knowledge, reasonable cause, willful neglect corrected within 30 days, and willful neglect not corrected within 30 days.

** Penalty is reduced to \$60/return if correctly filed/furnished within 30 days of the due date and to \$120/return if correctly filed/furnished more than 30 days after the due date but before Aug. 1. Maximum penalty amounts apply except for intentional disregard.

*** Penalty is imposed if any ACA full-time employee receives a tax credit/subsidy on the Exchange. Penalty amount is multiplied by the number of ACA full-time employees of that employer (minus the first 30).

**** Penalty amount is only imposed per ACA full-time employee who receives a tax credit/subsidy on the Exchange.

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