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# 50+ SMALL BUSINESS HEALTH PLAN COMPLIANCE CHECKLIST

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## 1. EMPLOYEE NOTIFICATION, NON-DISCRIMINATION AND EMPLOYEE ACCESS

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- Did employer provide employees with written notice of coverage options under the Affordable Care Act? If so, is proof of delivery available?
- Determine whether the health plan meets non-discrimination requirements in eligibility and benefits.
- Who performs employee affordability testing? What method is used to assure compliance? Are written records of test results available?
- Ensure that employees have easy access to an internal HR representative, [OnlineNavigator](#) or health plan adviser who can provide assistance with health plan questions.

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## 2. COVERAGE OPTIONS AND PLAN DESIGN

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- Is employee choice offered? If so, determine the benchmark plan.
- Determine whether benchmark plan coverage meets minimum essential benefit requirements, meets grandfathered requirements or is exempt from this requirement.
- Evaluate how employees will cover insurance policy deductibles and co-payments. Will HSA, HRA or FSA be offered?
- Determine whether supplemental coverage is available and whether this coverage can be offered on a pre-tax basis. Is supplemental insurance offered as an executive benefit?
- Determine what non-insurance coverage options are available and how they interact with insurance.

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## 3. PLAN DOCUMENTS

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- Determine whether a written Plan Document and Summary Plan Description exist, whether these are up-to-date. How are these accessible on demand by employees?
- Determine whether copies of the Summary Plan Description have actually been distributed to employees. Are delivery records maintained?
- Evaluate whether the Summary Plan Description is in a plain language or Q&A format that helps employees understand the important points of the health plan and their coverage options

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## 4. COMPLIANCE TESTING AND COST CONTROLS

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- Who performs Minimum Essential Coverage (MEC) and Minimum Value (MV) testing? Do you have written records of the certification?
- Did you estimate the shared responsibility payment? What assumptions were made and what calculation method was used?
- What other cost control measures can be incorporated to reduce or eliminate the shared responsibility payment?

*This checklist is meant for small businesses that are subject to the shared responsibility provisions of the Affordable Care Act. The checklist may not be inclusive for all firms. For more information, contact Tony Novak, CPA, MBA, MT at (800) 609-0683 x2 or [onlineadviser@live.com](mailto:onlineadviser@live.com). "Freedom Benefits", "OnlineAdviser" and "OnlineNavigator" are trademarks of Tony Novak.*