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## United Benefit Advisors Q&A

### What Employers Need to Know About Filing Form 5500

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	QUESTION	ANSWER
Q&A-1	Is this applicable to county governments that are not self-funded?	Plans sponsored by government entities are exempt from ERISA, which means they are also exempt from the Form 5500 reporting requirements. However, it is often a good idea to confirm with counsel that your organization is considered a government entity under ERISA and applicable case law.
Q&A-2	Is Teladoc exempt from 5500 requirements?	It's a good question, but a complicated one that requires careful analysis for each situation. If Telsdoc is part of your group health plan (i.e., it is only available to participants in your plan), then it will be part of the 5500 filing you do for your group health plan assuming you have a Wrap document. If it is a separate program, you'll need to analyze whether ERISA applies (likely) and whether there's a 5500 filing exception, such as the exception for unfunded, small welfare plans. Note, however, that a stand-alone telemedicine program might violate the ACA's insurance mandates.
Q&A-3	Who normally files this for the company? A tax person or an HR person?	Usually HR files the 5500, but legal counsel can assist as well. CPAs prepare plan audits when applicable.

	<b>QUESTION</b>	<b>ANSWER</b>
Q&A-4	Can you go over again who all is counted when filing?	Sure – the small plan exception applies to plans that cover fewer than 100 participants at the beginning of the plan year. A participant is an employee or former employee (not a beneficiary). In the context of a health plan, for example, you'd count the number of employees and former employees who elect coverage on the first day of the plan year.
Q&A-5	Do we know when 2019 requirements or changes to requested information will be released?	No! I wish I did. Magic 8 Ball says Reply Hazy.
Q&A-6	Is Schedule A all the way through SB all a part of the Form 5500 and must be filed?	Schedule A is required when benefits under the plan are provided by an insurance company or similar organization, in some cases for stop loss coverage, and at times when a plan has investments in insurance companies.