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DOL Penalties Increase for 2019

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The Department of Labor (DOL) published the annual adjustments for 2019 that increase certain penalties applicable to employee benefit plans.

# Annual Penalty Adjustments For 2019

The following updated penalties are applicable to health and welfare plans subject to ERISA

|  |  |  |
| --- | --- | --- |
| **Description** | **2018 Penalty** | **2019 Penalty** |
| Failure to file **Form 5500** | Up to $2,140 per day | Up to $2,194 per day |
| Failure of a **MEWA** to file reports | Up to $1,558 per day | Up to $1,597 per day |
| Failure to provide **CHIP Notice** | Up to $114 per day per employee | Up to $117 per day per employee |
| Failure to disclose CHIP/Medicare Coordination | $114 per day per violation | $117 per day per violation |
| to the State | (per participant/beneficiary) | (per participant/beneficiary) |
| Failure to provide **SBCs** | Up to $1,128 per failure | Up to $1,156 per failure |
| Failure to furnish **plan documents** | $152 per day | $156 per day |
| (including SPDs/SMMs) | $1,527 cap per request | $1,566 cap per request |
| **Genetic information** failures | $114 per day | $117 per day |
| De minimis failures to meet genetic information | $2,847minimum | $2,919 minimum |
| requirements |  |  |
| Failure to meet genetic information requirements | $17,084 minimum | $17,515 minimum |
| – not de minimis failures |  |  |
| Cap on unintentional failures to meet genetic | $569,468 maximum | $583,830 maximum |
| information requirements |  |  |

# Employer Action

Private employers, including non-profits, should ensure employees receive required notices timely (SBC, CHIP, SPD, etc.) to prevent civil penalty assessments. In addition, employers should ensure Form 5500s are properly and timely filed, if applicable. Finally, employers facing document requests from EBSA should ensure documents are provided timely, as requested.

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