

Compliance Overview

Midyear Compliance: Key Disclosure Deadlines for Group Health Plans

As the calendar year progresses, employers that sponsor group health plans should take steps to stay ahead of key midyear compliance obligations. Federal reporting and disclosure requirements under laws such as the Employee Retirement Income Security Act (ERISA), the Consolidated Omnibus Budget Reconciliation Act (COBRA) and the No Surprises Act must be addressed during the spring and summer months to avoid potential penalties and ensure participants receive required information.

REQUIREMENT	DESCRIPTION	DEADLINE
Summary Plan Description (SPD) <i>(Newly enrolled participants)</i>	ERISA-covered group health plans must provide an SPD to new participants within 90 days of when an employee first becomes covered under the plan. For calendar-year plans, this means that employees who first enrolled effective Jan. 1 must receive their SPDs by April 1. (Note that the SPD must include certain required federal notices if applicable, such as the Newborns' and Mothers' Health Protection Act notice and the Notice of Patient Protections.)	April 1, 2026
COBRA General Notice <i>(Newly enrolled participants)</i>	Group health plans subject to COBRA must provide a General Notice of COBRA rights to each covered employee (and to each covered spouse, if applicable) within 90 days of coverage beginning (April 1 for calendar-year plans).	April 1, 2026
Prescription Drug Data Collection (RxDC) Reporting	Group health plans and issuers must annually submit prescription drug and health care spending data to the Centers for Medicare and Medicaid Services. This reporting process is referred to as the RxDC report. Most employers will rely on third parties, such as issuers, third-party administrators or pharmacy benefit managers, to prepare and submit the RxDC report for their health plans.	June 1, 2026

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REQUIREMENT	DESCRIPTION	DEADLINE
Form 5500 Annual Return/Report <i>(Small plans are exempt if they are unfunded, fully insured or a combination of both)</i>	<p>Each year, employers must file an annual report with the Department of Labor for their ERISA-covered group health plans. Welfare benefit plans are exempt from the Form 5500 filing requirement if they are unfunded or fully insured (or a combination of unfunded and insured) and have fewer than 100 plan participants.</p> <p>For calendar-year plans, the normal filing deadline is July 31. Employers may request a one-time extension of 2.5 months by filing IRS Form 5558 by the normal due date of the Form 5500.</p>	July 31, 2026
PCORI Fees <i>(Self-insured plans only, including HRAs)</i>	<p>Employers with self-insured health plans must pay a fee to fund the Patient Centered Outcomes Research Institute (PCORI). Self-insured health plans that are subject to PCORI fees include self-funded medical plans, as well as health reimbursement arrangements (HRAs) that are offered in conjunction with fully insured group medical plans. HRAs that are offered with self-insured group medical plans are not subject to separate PCORI fees if both the HRA and the self-insured medical plan have the same plan sponsor and the same plan year.</p> <p>Employers must file IRS Form 720 to report and pay PCORI fees each year, no later than July 31 of the year following the last day of the plan year.</p>	July 31, 2026

In addition to the deadlines above, midyear is a good time for employers to review recordkeeping processes, evaluate plan vendor reporting support, and confirm that all participant disclosures required at enrollment or on an ongoing basis have been properly provided.

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Highlights

Some best practices employers may implement to ensure compliance with the ADA when accommodating mental health conditions include:

- Establishing inclusive policies;
- Identifying the need for an accommodation;
- Ensuring a respectful and individualized interactive process;
- Requesting only necessary documentation;
- Considering common accommodations; and
- Training employees, managers and supervisors.

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Best Practices for Accommodating Mental Health Conditions in the Workplace

The Americans with Disabilities Act (ADA) requires employers with 15 or more employees to reasonably accommodate an applicant's or employee's disability, including mental health conditions that satisfy certain criteria. The ADA is enforced by the U.S. Equal Employment Opportunity Commission (EEOC). Failure to comply with the ADA's accommodation requirements can have substantial consequences for employers.

There has been an increased focus on mental health awareness in recent years, and such focus extends to the workplace and workplace accommodations. Therefore, it is important that employers understand their obligations under the ADA with respect to mental health conditions and implement best practices to ensure compliance.

This Compliance Overview provides an overview of the ADA's reasonable accommodation requirements, how they apply to mental health conditions and employer best practices for ensuring compliance with the ADA.

Links and Resources

- [Text of the ADA](#)
- EEOC [enforcement guidance](#) on reasonable accommodation and undue hardship under the ADA
- [Guidance](#) on accommodations for employees with mental health conditions
- EEOC [guidance](#) on mental health conditions and resources for job seekers, employees and employers

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ADA Reasonable Accommodation Requirements

The ADA requires employers with **15 or more employees** to provide reasonable accommodations for an individual's disability unless doing so would impose an undue hardship on the employer. A reasonable accommodation generally includes:

- Modifications or adjustments to a job application process that enable a qualified applicant with a disability to be considered for their desired position;
- Modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable a qualified individual with a disability to perform the essential functions of the position; or
- Modifications or adjustments that enable an employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by other similarly situated employees without disabilities.

An employer's duty to provide reasonable accommodations is typically triggered by an employee's or applicant's request for an accommodation (whether made orally or in writing). After an employer receives a request for or becomes aware of the need for an accommodation, the employer must promptly engage in the **interactive process**. The interactive process generally involves an informal collaboration between the employer and the individual that identifies the precise limitations resulting from the disability and potential reasonable accommodations that could overcome those limitations. Employers may, but are not required to, provide an individual with their preferred accommodation.

Whether a particular accommodation imposes an **undue hardship** on an employer's business depends on the individual circumstances of the employer, their business and the employee.

Mental Health Conditions Under the ADA

Under the ADA, protected disabilities include mental impairments. Specifically, the ADA defines "disability" as:

- A physical or **mental impairment** that substantially limits one or more of the individual's major life activities;
- A record of this impairment; and
- Being regarded as having an impairment that is not both transitory and minor.

A "**mental impairment**" is defined as any mental or psychological disorder, such as an intellectual disability, an organic brain syndrome, emotional or mental illness or specific learning disabilities.

Examples of mental health conditions that may qualify as disabilities under the ADA include, but are not limited to:

- Major depressive disorder;
- Anxiety disorders (including post-traumatic stress disorder [PTSD], panic disorder and obsessive-compulsive disorder [OCD]);
- Bipolar disorder;
- Schizophrenia; and
- Personality disorders.

As noted, to qualify as a disability, such condition must substantially limit a major life activity (such as brain function or the employee's ability to concentrate, interact with others, communicate, eat, sleep, care for oneself or regulate their thoughts or emotions). For example, the EEOC has stated that major depressive disorder, PTSD, bipolar disorder, schizophrenia and OCD substantially limit brain function; therefore, individuals with such disorders will be determined to

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have an ADA disability in virtually all cases. Additionally, a condition need not be permanent or severe to be substantially limiting.

Enforcement and Penalties

Individuals alleging violations of the ADA may initiate an action against an employer by filing a charge of discrimination with the EEOC. If there is a local or state law similar to the ADA, individuals may be required to file a charge with the state or local agency that enforces the law, and the EEOC may work with the agency to investigate and resolve the charge. Under the ADA, individuals have **180 days** from the date the alleged violation took place to file a charge with the EEOC. The filing deadline is extended to **300 days** if a state or local agency enforces a state or local law similar to the ADA. Individuals must file an EEOC charge before they may file a lawsuit in federal court.

If a court determines that an employer violated the ADA, the employer may be subject to injunctive relief, back pay, reinstatement or front pay, compensatory and punitive damages, and attorney fees and costs.

Best Practices for Mental Health Accommodations

To reduce the risk of costly litigation and claims, employers may consider implementing the following best practices for accommodating mental health conditions in the workplace.

Establish Inclusive Policies

To ensure equitable, consistent and compliant treatment of all individuals with disabilities, employers should consider establishing clear written policies and procedures regarding reasonable accommodations. As a best practice, employers should state that the accommodation policy applies to both physical and mental conditions, so long as such conditions qualify as disabilities under the ADA. The policy should also state that any conditions will be kept confidential to the extent possible and as required by law. An effectively drafted policy can help reduce the potential stigma surrounding mental health conditions and increase an employee's comfort when requesting accommodations.

Identify the Need for an Accommodation

The first step in the ADA accommodation process is typically an employee's or applicant's request for an accommodation. In making a request, individuals do not need to use any particular language, mention the ADA or use the phrase "reasonable accommodation." For example, individuals may make offhand remarks about how a particular mental health condition is affecting their ability to do their job, which may trigger an employer's ADA obligations.

Unlike certain physical impairments, the need for an accommodation due to a mental health condition may not be known or obvious. Therefore, an employer's ADA obligations will typically be triggered by an employee's explicit request for an accommodation. However, in some cases, employers may notice significant changes in an employee's work performance or behavior that suggest the employee may have a mental health condition that requires an accommodation. In these instances, employers may consider discussing the changes with the employee in a professional, nonjudgmental manner. In general, employers should avoid making disability-related inquiries (i.e., questions that are likely to elicit information about a disability) before an employee requests an accommodation. For example, employers should generally avoid asking about the existence of a mental health condition or an employee's prescription drug use. However, employers may ask about an employee's general well-being and whether they can perform their job functions. That said, employers may ask medical questions of an employee if there is **objective evidence** that the employee is unable to perform their job or poses a safety risk because of their condition.

Ensure a Respectful and Individualized Interactive Process

The ADA requires employers to respond to requests and engage in the process in a timely manner. As with any request for a reasonable accommodation, employers should provide an individualized interactive process that focuses on the specific limitations caused by the disability and the potential accommodations that would allow the employee to perform

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their particular job duties. Such individualization is important as even if two employees have the same mental health condition, they may experience different limitations or have different job duties that are affected by the condition. In addition, employees may be particularly sensitive about discussing their mental health conditions, so employers should ensure that personnel responsible for handling such requests are properly trained to respond with appropriate care and to avoid making generalizations or assumptions based on stereotypes about an individual's condition. Employers should document all communications made during the interactive process (including those made in-person, via telephone, over email or any other method).

Request Only Necessary Documentation

During the interactive process, it may be necessary for an employer to request documentation from an employee's health care provider documenting that the employee has a mental health condition and that the employee needs an accommodation to perform the essential functions of their job. The EEOC has stated that employees may only need to provide documentation that describes the condition more generally, rather than documentation that provides the employee's specific diagnosis. Employees may be reluctant to divulge information regarding their mental health conditions due to fear of judgment or perceived stigma. Therefore, it is critical that employers ensure strict confidentiality and limit requests for documentation to only the information necessary to identify the existence of a condition and how it substantially limits a brain or neurological function or some other major life activity.

As with all medical information, employers should ensure any medical information received from an employee is maintained in confidential files that are separate from the employee's personnel records.

Consider Common Accommodations

As with any disability, reasonable accommodations should be individualized and tailored to both the organization's and the employee's or applicant's needs. However, the EEOC has identified a number of common reasonable accommodations that employers may consider when accommodating an individual's mental health condition. Examples of accommodations for employees with mental health conditions include, but are not limited to:

- **Flexible workplace**—Some mental health conditions may be accommodated by providing the employee with a more flexible workplace, such as telecommuting and/or working from home;
- **Scheduling**—Employees with mental health conditions may benefit from adjustments to their schedules, such as part-time work hours, job sharing, adjustments in the start or end of work hours, compensation time and/or "make up" of missed time;
- **Leave**—As with physical disabilities, employees may need to take leave for mental health conditions, such as sick leave for reasons related to mental health, flexible use of paid time off, additional unpaid or administrative leave for treatment or recovery, leaves of absence and/or occasional leave for therapy and other related appointments;
- **Breaks**—Employers may consider providing breaks according to individual needs rather than a fixed schedule, more frequent breaks and/or greater flexibility in scheduling breaks, backup coverage during breaks, and telephone breaks during work hours to call professionals and others needed for support;
- **Workplace modifications**—Some employees may need modifications to their workplace to reduce or remove distractions in the workplace, including noise or visual distractions;
- **Equipment and technology**—In some instances, employees may require certain equipment or technology to accommodate a mental health condition, such as tape recorders for recording or reviewing meetings or training sessions; white noise machines; organizer programs, devices or software; equipment to work remotely; and specialized software to minimize distractions;
- **Changes to job duties**—Employers may also consider modifying job duties for employees with mental health conditions, such as removing nonessential duties or restructuring the job to include only essential job functions;

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- **Changes in management and supervision**—In some cases, employees may benefit from adjustments to management and supervision, such:
 - A more flexible and supportive supervision style, changes to the level of supervision (such as more frequent meetings) and open communication;
 - Alternative forms of communication, written and visual tools, implementation of written tools (e.g., checklists and daily to-do lists), written instructions and typed meeting notes;
 - Regular meetings to discuss problems and goal setting;
 - Written agreements that memorialize any accommodations, long- and short-term goals, expectations and consequences for failing to meet performance standards; and
- **Policy modifications**—Employers may also consider allowing modifications to existing policies, such as allowing food and/or beverages at workstations (e.g., to mitigate the side effects of medications) or providing job coaching.

Train Relevant Personnel

Employers may also consider training relevant personnel, including HR personnel, managers and supervisors, on their responsibilities with respect to reasonable accommodations under the ADA. Employers may consider including specific examples of how to respond to requests for accommodations for mental health conditions, including ensuring timely communication, assessing an individual's need for an accommodation, ensuring proper documentation and maintaining confidentiality. Such training should highlight the sensitive nature of such requests and emphasize the need for nonjudgmental responses and discretion.

Employer Takeaways

Employers that fail to comply with the ADA's reasonable accommodation requirements may be subject to costly litigation and penalties and a loss of workplace morale. Therefore, employers should ensure they understand and are in compliance with all of the ADA's requirements.