

10 Tips For Filing Form M-1 For Association Health Plans And Other MEWAs That Provide Medical Benefits

Administrators of Multiple Employer Welfare Arrangements (MEWAs), including Association Health Plans (AHPs) that offer medical benefits, must electronically file the Form M-1 with the Department of Labor (the Department) annually and following certain events, such as a MEWA's expansion into a new State (see tip 4 for a detailed list of events). A MEWA is any arrangement that offers or provides welfare benefits (e.g. health, disability or life insurance benefits) to the employees of two or more employers. However, only MEWAs that provide medical benefits are required to file the Form M-1. The Department collects important information on the Form M-1 about individuals and entities that are responsible for:

- 1. sponsoring or managing operations of MEWAs that offer medical care benefits; and*
- 2. providing services to a MEWA that offers medical care benefits, such as benefits administration, actuarial, and asset management services.*

The Form M-1 also collects information on the MEWA's compliance with certain health coverage requirements in the Employee Retirement Income Security Act (ERISA). Since April 11, 2000, MEWAs that provide medical coverage, including AHPs, have been required to file a Form M-1 with the Department.

The Form M-1 is a critically important filing that helps both the Department and State Insurance Departments protect consumers. A failure to register timely or to file a complete, accurate and timely Form M-1 is a red flag. As a general rule, no one should be marketing, operating, or administering a MEWA that offers medical care benefits, unless it has filed an M-1. If you learn of such a filing failure, please notify the Department's Employee Benefits Security Administration (EBSA) immediately and exercise extreme caution before enrolling or participating in the arrangement. You can contact EBSA at askebsa.dol.gov or toll free at 1-866-444-3272.

Any business or individual considering enrolling in coverage through an AHP can visit the Department's webpage and use the Department's electronic Form M-1 search tool (askebsa.dol.gov/epds/) to determine whether the AHP has appropriately registered with the Department and made any other required M-1 filings. To search, it helps to know the name of the AHP, the Employer Identification Number of the AHP sponsor, and the state(s) in which the AHP operates.

The purpose of this Notice is to provide Form M-1 filing guidance for MEWA administrators. You can find the links to the Form M-1 Online Filing System on <https://www.dol.gov/agencies/ebsa/employers-and-advisers/plan-administration-and-compliance/reporting-and-filing/forms#section2>.

- 1. A MEWA must file before starting to operate.** A MEWA that offers medical benefits must file a Form M-1 at least 30 days before engaging in any activity including, but not limited to, marketing, soliciting, providing, or offering to provide medical care benefits to a participating employer or employees, including working owners.

You should also correctly indicate by checking the appropriate box if this is the MEWA's first filing. (If this is not the first filing, please enter the date of the MEWA's most recent filing, NOT the current date).

- 2. Use the correct form.** Use the proper year Form M-1 for annual reports. If your plan year starts in the months July through December, select the form/filing year that corresponds with the last day of the calendar year during which the MEWA offers or provides coverage for medical care. If your plan year starts in the months January through June, select the form/filing year that corresponds with the day of the calendar year during which the MEWA starts to offer or provide coverage for medical care.

If the MEWA follows:	For the Annual Report, use the M-1 Form for:
Calendar Year Jan. 1-Dec. 31, 2018	2018
Fiscal Year April 1, 2017-March 31, 2018	2017 (Use the 2017 form because this plan operated for more than six months in 2017)
Fiscal Year July 1, 2017-June 30, 2018	2018 (Use the 2018 form because this plan operated for six months in 2018)

- 3. Only MEWAs offering benefits for medical care must file.** Only MEWAs that offer or provide medical care benefits must file Form M-1. If your MEWA only offers or provides non-medical benefits (e.g. life insurance, disability benefits), do not file a Form M-1.
- 4. You may have more than one Form M-1 filing in a given year.** Every year, you must file one Form M-1 Annual Report (no later than March 1 following any calendar year in which the MEWA operates).

In addition, you must submit a Form M-1 registration filing for the following events:

Event	Timing of Registration Filing
Existing MEWA plans to begin operations in an additional state	30 days prior
Existing MEWA discovers participants are covered in an additional state	Within 30 days
Two or more MEWAs merge	Within 30 days
The number of employees covered by the medical care portion of the MEWA is at least 50% greater than the number of employees on the last day of the previous calendar year	Within 30 days
The MEWA experiences a "material change" as the Form M-1 instructions describe	Within 30 days

If any of these events occur, you must file a timely Form M-1. Thus, you may have to file more than one Form M-1 for the same MEWA in a given year.

5. **Indicate the correct M-1 filing type.** The Form M-1 asks the purpose of filing (annual, registration, origination, special). MEWAs will only check “annual” OR “registration”, whichever is applicable. [Note: Entities Claiming Exception (ECEs) are multiemployer plans that are also required to file the Form M-1 and are the only entities that will check “origination” or “special”.]
6. **Complete all required information.** You must provide complete identifying information (such as an EIN) and contact information for all of the MEWA’s sponsors, service providers, and parties with authority or control of the MEWA or its assets.
7. **Include information for every state in which the MEWA operates.** Form M-1 Question 17 includes a chart asking about MEWA operations by state and whether the entity is a health insurer, is fully insured, or purchases stop loss coverage. You must complete this question separately for every state in which the MEWA is operating. (This includes NAIC codes of insurers or stop loss providers.)
8. **Provide accurate insurance information.** Only include the NAIC code for the insurance company providing medical insurance coverage in states where the MEWA is operating. (For example, there is no need to include the NAIC code for a provider of fully-insured dental benefits.) For non-fully insured plans that have a stop loss policy, the filer should include the NAIC codes for such stop loss insurer. (The Department would not expect a fully insured MEWA to also have stop loss insurance.)
9. **Retain your confirmation number.** You will receive a Form M-1 confirmation number when you complete your filing. Retain this number, because you must provide it on the plan MEWA’s subsequent Form 5500 filing for the same plan year. If the MEWA is not required to file Form M-1 for a year, you should include the confirmation number for its most recently filed Form M-1 on Form 5500. See Form 5500, Part III, Line 11, Form M-1 Compliance Information, and instructions.

For example,

If the M-1 Confirmation number is obtained by filing a 2017 M-1 Form year filing, that number should be copied and reported on future Form 5500 submission(s), for the same plan year. This number should be copied and reported on all subsequent Form 5500 filing submissions, until the next M-1 Confirmation number is obtained (2018, for most cases).

10. **A Form 5500 may also be required.** A MEWA that is also an employee benefit plan under ERISA (such as an AHP) must file both a Form M-1 and a Form 5500 Annual Return/Report. Use the same EIN and name on the Form 5500 and M-1 for such a MEWA. View the Form 5500 at: <https://www.dol.gov/agencies/ebsa/employers-and-advisers/plan-administration-and-compliance/reporting-and-filing/form-5500>.