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The Employee Benefits Year in Review and Road Ahead: Compliance for 2025 and 2026

As we conclude a busy 2025 year in benefits, plan sponsors would be wise to review past compliance requirements and prepare for another busy year ahead. The following non-exhaustive summary highlights some key compliance topics for 2025 and 2026.

Group Health Plans

Preventive Care for 2025 and 2026

2025 – Non-grandfathered group health plans were required to cover or expand coverage for three vaccines: poliovirus, RSV, and mpox. Plans were also required to expand coverage for anxiety disorder screenings to include adults aged 64 and younger, as well as pregnant and postpartum women.

2026 – Non-grandfathered plans must cover patient navigation services for breast and cervical cancer screening as well as certain additional imaging and services for breast cancer screenings. Plans must also expand coverage for three vaccines: RSV, pneumococcal, and influenza.

Affordable Care Act Reporting

Form 1095-B and 1095-C – January 31, 2026

Plan sponsors and applicable large employers (ALEs) may notify employees of the availability of Forms 1095-B and 1095-C by posting a notice on their website instead of mailing individual forms. For 2025 coverage reported in 2026, this means plan

sponsors and ALEs must post the notice no later than March 2, 2026, and must retain the notice on their websites through at least October 15, 2026. Plan sponsors and ALEs must still provide a written statement in response to an individual's request for it by the later of January 31 or 30 days after the request.

Forms 1094-B and 1094-C – March 31, 2026

The IRS filing, complete with copies of Forms 1095-B or 1095-C, must be completed by March 31, 2026, if filing electronically (required if there are 10 or more returns) and March 2, 2026, if filing by paper.

IRS instructions are available for Forms 1094/1095-B and Forms 1094/1095-C.

Mental Health Parity and Addiction Equity Act of 2008 Requirements

Since the enactment of the Consolidated Appropriations Act of 2021 (the CAA), plan sponsors have been required to conduct and document a comparative analysis of their plans' non-quantitative treatment limitations (NQTLs). Regulators announced on May 15, 2025, that they will not enforce final regulations released in 2024, which contained additional NQTL-related compliance requirements for 2025 and 2026. Nonetheless, plans are still required by the CAA to conduct and document a comparative analysis of their NQTLs. Plan sponsors should continue to monitor MHPAEA issues for any additional guidance.

HIPAA Notice of Privacy Practices Updates – February 16, 2026

Plan sponsors must update their HIPAA Privacy Notices by February 16, 2026, to comply with regulations applicable to the use and disclosure of certain substance use disorder records, as required by 42 CFR Part 2.

Retirement Plans

SECURE 2.0 Act Mandatory Roth Catch-Up Contributions for High Earners – January 1, 2026

Among the many changes arising out of the SECURE 2.0 Act, one of the most complex and difficult to administer becomes effective in 2026. Defined contribution

plan participants who received more than $150,000 (indexed annually for inflation) in FICA wages in 2025 from the employer sponsoring the plan and who make age-based catch-up contributions are required to do so on a Roth basis in 2026. The SECURE 2.0 statutory requirement is generally effective January 1, 2026, while certain additional rules promulgated in final regulations are generally effective January 1, 2027. Different effective dates apply to collectively bargained and governmental plans.

Plan Amendment Deadlines

After years of applying certain optional and mandatory changes under the CARES Act, Miner's Act, Relief Act, SECURE Act, and SECURE 2.0 without formally changing the terms of their plans, plan sponsors will now be required to adopt amendments reflecting those changes. Amendments are required by the following dates:

Plan Type	**Amendment Deadline**
Tax-exempt Section 457(b) plans	December 31, 2025
Qualified plans that are neither (i) governmental plans, nor (ii) Taft-Hartley plans	December 31, 2026
Section 403(b) plans that are not maintained by a public school	
Taft-Hartley qualified plans	
Taft-Hartley Section 403(b) plans of Section 501(c)(3) tax-exempt organizations	December 31, 2028
Governmental qualified plans	
Governmental Section 457(b) plans	December 31, 2029
Public school Section 403(b) plans	

This blog post was drafted by Laura L. Fischer and Mary Mason, attorneys in the Denver, Colorado and Overland Park, Kansas, offices of Spencer Fane. For more information, visit spencerfane.com.

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