

Health and Welfare Penalties Comparison Chart

Employer sponsored Health and Welfare Benefit plans covered by the Employee Retirement Income Security Act (ERISA) come with many fiduciary responsibilities.

A breach of fiduciary duty can result in personal liability and civil penalties.

The chart below shows some of the more common non-compliance violations and how the fines to Benefit Plan Sponsors have risen in the past few years.

	2025	2024	2023	2022	2021
CHIPRA* Failure to inform an employee of CHIP coverage opportunities	up to \$145 per day per employee	up to \$141 per day per employee	up to \$137 per day per employee	up to \$127 per day per employee	up to \$120 per day per employee
COBRA Failure to provide compliant COBRA notices	\$190 per day from the date of compliance failure	\$184 per day from the date of compliance failure	\$110 per day from the date of compliance failure	\$110 per day from the date of compliance failure	\$110 per day from the date of compliance failure
DOL Failure to furnish to the DOL any requested information relating to the employee benefit plan	Up to \$195 per day not to exceed \$1,956 per request	Up to \$190 per day not to exceed \$1,906 per request	Up to \$184 per day not to exceed \$1,846 per request	Up to \$171 per day not to exceed \$1,613 per request	Up to \$161 per day not to exceed \$1,594 per request

HEALTH AND WELFARE PENALTIES COMPARISON CHART

	2025	2024	2023	2022	2021
FMLA Willful failure to post FMLA general notice	Up to \$216 for each separate violation	Up to \$211 for each separate violation	Up to \$204 for each separate violation	Up to \$189 for each separate violation	Up to \$178 for each separate violation
ACA 4980H (a)* ALEs that fail to offer coverage to at least 95% of full-time employees (and their dependents)	\$2,900 times ALE's full-time employees (minus up to 30)	\$2,970 times ALE's full-time employees (minus up to 30)	\$2,880 times ALE's full-time employees (minus up to 30)	\$2,750 times ALE's full-time employees (minus up to 30)	\$2,700 times ALE's full-time employees (minus up to 30)
ACA 4980H (b)* ALEs that offer coverage to at least 95% of full-time employees (and their dependents) but the coverage is either unaffordable or does not offer minimum value	\$4,350 times the number of ALE's full-time employees who receive a premium tax credit	\$4,460 times the number of ALE's full-time employees who receive a premium tax credit	\$4,320 times the number of ALE's full-time employees who receive a premium tax credit	\$4,120 times the number of ALE's full-time employees who receive a premium tax credit	\$4,060 times the number of ALE's full-time employees who receive a premium tax credit
ACA form 1095 (both B and C)* Failure to file a correct information return and failure to provide a correct payee statement	\$330 per return/statement with a max penalty of \$3,987,000	\$310 per return/statement with a max penalty of \$3,783,000	\$290 per return/statement with a max penalty of \$3,532,000	\$280 per return/statement with a max penalty of \$3,426,000	\$280 per return/statement with a max penalty of \$3,392,000
Form 5500 Fail to file a properly completed annual report	Up to \$2,739 per day that the filing is late	Up to \$2,670 per day that the filing is late	Up to \$2,586 per day that the filing is late	Up to \$2,400 per day that the filing is late	Up to \$2,259 per day that the filing is late

HEALTH AND WELFARE PENALTIES COMPARISON CHART

	2025	2024	2023	2022	2021
GINA* Failure of a plan sponsor of group health plan that fails to meet requirements with respect to genetic information	\$145 per day per employee	\$141 per day per employee	\$137 per day per employee	\$127 per day per employee	\$120 per day per employee
M-1 Failure of a MEWA to file annual MEWA Report	Up to \$1,992 per day for each failure	Up to \$1,942 per day for each failure	Up to \$1,881 per day for each failure	Up to \$1,746 per day for each failure	Up to \$1,644 per day for each failure
Medicare Failure of an insurer, TPA or fiduciary for a group health plan to provide information identifying whether the plan is a primary plan to Medicare to HHS	Up to \$1,474 per day for each failure	Up to \$1,428 per day for each failure	Up to \$1,325 per day for each failure	Up to \$1,325 per day for each failure	Up to \$1,247 per day for each failure
SBC* Failure to furnish required documents to a requesting participant	Up to \$1,443 per failure	Up to \$1,406 per failure	Up to \$1,362 per failure	Up to \$1,264 per failure	Up to \$1,190 per failure
SPD and SAR Failure to provide SPD, SAR or plan document within 30 days of receiving a request from a plan participant or beneficiary	\$190 per day per employee	\$184 per day per employee	\$110 per day per employee	\$110 per day per employee	\$110 per day per employee



HIPAA PENALTIES 2025*	CULPABILITY/ STATE OF MIND	MINIMUM PENALTY/ VIOLATION	MAXIMUM PENALTY/ VIOLATION	ANNUAL LIMIT
Tier 1	Violations involving no knowledge	\$141	\$71,162	\$2,134,831
Tier 2	Reasonable cause violations	\$1,424	\$71,162	\$2,134,831
Tier 3	Willful neglect violations that are corrected within 30 days of discovery	\$14,232	\$71,162	\$2,134,831
Tier 4	Willful neglect violations that are not corrected within 30 days of discovery	\$71,162	\$2,134,831	\$2,134,831

*Employers with Non-ERISA Health and Welfare plans are also subject to this penalty.

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*STATISTICS ACCURATE AS OF MARCH 31, 2025.

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