Guidance Document

Pursuant to Neb. Rev. Stat. §84-901.03

This guidance document is advisory in nature but is binding on an agency until amended by such agency. A guidance document does not include internal procedural documents that only affect the internal operation of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules and regulations made in accordance with the Administrative Procedures Act. If you believe that this guidance document imposes additional requirement or penalties on regulated parties, you may request a review of the document.

PROFESSIONAL EMPLOYER ORGANIZATION HEALTH BENEFIT PLANS – QUARTERLY REPORT FILING DATES

DISCLAIMER:

This Guidance Document is not intended to take the place of the law but is intended to provide individuals with a general understanding of the requirements related to the Nebraska's Professional Employer Organization (PEO) Registration Act. For additional information, individuals may visit dol.nebraska.gov, where information is provided on Nebraska's PEO Registration Act, *Neb. Rev. Stat.* §§ 48-2701 through 48-2711 ("Act"), and portions of the Nebraska Administrative Code related to the Act.

Health Benefit Plans offered by a Professional Employer Organization – Quarterly filing dates:

In accordance with Neb. Rev. Stat. § 48-2706(8), any health benefit plan offered by a PEO to its covered employees that is self-funded must file quarterly reports with the Nebraska Department of Labor that contain the following information relating to the health benefit plan for the most recent fiscal year:

(i) A financial statement;
(ii) A statement from a qualified actuary that the rates charged and any reserves, both incurred and incurred but not reported, are sufficient to pay claims and associated expenses;
(iii) Confirmation of a stop-loss insurance policy that provides coverage in excess of the health benefit plan's retention of 125% of the health benefit plan's expected health claims costs as determined on an aggregate basis listing the PEO as a named insured. The policy shall be evidenced in a binder or a policy issued by an insurer licensed to transact the business of insurance in this state and contain a provision that the coverage shall not be terminated by the insurer unless the PEO and the Commissioner of Labor receive a written notice of termination from the insurer at least 30 days before the effective date of termination; and
(iv) A certificate of compliance that certifies that the health benefit plan has been conducted in accordance with the relevant laws of Nebraska that relate to PEOs.

Effective October 1, 2026, the quarterly reports required to be filed pursuant to Neb. Rev. Stat. § 48-2706(8) shall be filed on or before 45 days after the end of each quarter.

In addition to the requirement to file quarterly reports, a PEO offering a self-funded health benefit plan to its covered employees is statutorily required to file a report within 90 days after the last day of the fiscal year for such health benefit plan. Pursuant to Neb. Rev. Stat. § 48-2706(8), this report shall be filed with the Nebraska Department of Labor and shall contain the information set forth above.