

Health Care Reform Management Alert Series



Due Date Extended For Employers To Provide Reports To Employees

Issue 116

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This is the one hundred and sixteenth issue in our series of alerts for employers on selected topics on health care reform. (Click [here](#) to access our general summary of health care reform and other issues in our series.) This series of Health Care Reform Management Alerts is designed to provide an in-depth analysis of certain aspects of health care reform and how it will impact your employer-sponsored plans.

Once again, right before the holidays, the IRS gave employers some relief. On December 22nd, the IRS issued Notice 2018-6 extending the due date for furnishing the 2017 Forms 1095-B and 1095-C to employees. The deadline was extended from January 31, 2018 to **March 2, 2018**.

Form 1095-C

Large employers sponsoring self-funded group health plans use Forms 1094-C and 1095-C (“C Forms”) to report information to the IRS and to employees about their employer-provided health coverage. The C Forms are used by the IRS in determining whether an employer owes a payment under the employer shared responsibility provisions. (In our last alert, found [here](#), we announced that the IRS had begun issuing notices to employers of their potential liability for employer shared responsibility payments.) Employees covered under self-funded plans use Form 1095-C to determine whether, for each month of the calendar year, they are entitled to a premium tax credit on their income tax return.

Form 1095-B

Forms 1094-B and 1095-B (“B Forms”) are used by insurers and other providers of minimum essential coverage to report enrollment information about health coverage. If a large employer sponsors a fully insured health plan, then the insurer (rather than the employer) will report enrollment information on the B Forms. However, employers that offer insured health coverage to non-employees may use the B Forms to report coverage for those individuals and other family members. Similarly to Form 1095-C, Employees covered under insured plans use Form 1095-B to determine whether, for each month of the calendar year, they may claim the premium tax credit on their income tax return.

Notice 2018-6 points out that because of the extension, some individuals may not receive a Form 1095-B or Form 1095-C by the time they are ready to file their 2017 tax return. Taxpayers may rely on other information received from their employer for purposes of filing their returns.

The deadline extension to March 2, 2018 is automatic -- no application is required. The Notice specifically points out that the due date for filing 2017 information returns with the IRS is not extended. The due dates for filing information returns with the IRS are:

- February 28 for paper filers
- April 2 for electronic filers

Notice 2018-06 also provides relief from penalties that would usually apply for filing an incorrect or incomplete return with the IRS or furnishing an incorrect or incomplete return to employees, provided an employer can show that it made good-faith efforts to comply with the reporting requirement. The relief applies to missing and inaccurate taxpayer identification numbers and dates of birth, as well as other information required on the Forms. No relief is provided for employers who fail to file an information return or furnish a statement by the due dates.

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