



Maine Municipal Employees Health Trust

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To: Health Trust Participating Employers
From: Anne Wright, Director, MMEHT
Date: December 6, 2019
Re: Affordable Care Act (ACA) 1095-C Reporting Requirements – Deadline Extension

Good afternoon!

This week, the IRS issued Notice 2019-63, *Transition Relief Related to Health Coverage Reporting Required by I.R.C. Sections 6055 and 6056 for 2019*. What does this mean for you? Well, for those employers that meet the definition of an Applicable Large Employer under the Affordable Care Act (ACA), it means a little leeway in completing your forms 1095-C for 2019.

Under the ACA, **Applicable Large Employers** (those employers with 50 or more full-time plus full-time equivalent employees) must provide all of their **full-time employees** (those employees who worked at least 30 hours per week/130 hours per month during the previous calendar year) with a **Form 1095-C** each year.

Form 1095-C requires these large employers to report on whether or not they **offered** health insurance coverage to each and every one of their full-time (as defined by the ACA) employees, regardless of whether or not the employee actually enrolled in the coverage. In addition, Form 1095-C requires large employers to provide month by month reporting on whether or not the coverage offered met the ACA's definition of **affordable**, which is determined based on the employee's contribution for self-only coverage for the lowest cost plan offered by the employer, in which the employee was eligible to enroll.

Deadline Extension

According to the ACA, the Forms 1095-C are supposed to be provided to employees each year by no later than **January 31**. This means that forms covering the 2019 calendar year were scheduled to be provided to employees by January 31, 2020. However, just like the IRS did last year (and the year before that, and the year before that...), they have decided to once again provide a little extra time to employers that are required by the ACA to provide IRS Form 1095-C to their employees.

IRS Notice 2019-63 provides Applicable Large Employers with a **30 day extension for providing the 2019 Forms 1095-C** to their full-time employees. Under the terms of this extension, Applicable Large Employers will have until **March 2, 2020** to send out the Forms 1095-C. (*Note: This is actually a 31-day extension, since 2020 is a leap year, and March 1, 2020 is a Sunday.*)

But – No Extension for Filing with the IRS

Remember, not only are Applicable Large Employers required to provide Forms 1095-C to their full-time employees, providing employees with information on whether affordable health insurance

coverage was offered during 2019, Applicable Large Employers must also file this same information with the IRS, by sending to the IRS copies of all the Forms 1095-C, along with a **Form 1094-C**.

The deadline for filing the Form 1094-C with the IRS, along with copies of all Forms 1095-C, has **not** been affected by the extension for providing forms to employees. Applicable Large Employers are required to file their Forms 1095-C and 1094-C with the IRS by **February 28, 2020**, if not filing electronically, or **March 31, 2020**, if filing electronically.

Under IRS guidelines, all employers with 250 or more W-2 employees are required to file electronically; smaller employers (i.e., those with 50 or more full-time plus FTE employees but fewer than 250 W-2 employees) have their choice of filing via paper or electronically.

Form 1095-B: Plan Sponsors and Insurers (including the Health Trust)

The ACA also requires all **plan sponsors** and **insurers** to report on health care coverage, for all individuals covered under a health plan during the previous year. This means that all insurers (for fully-insured health plans) and plan sponsors (for self-insured health plans) will have to report to each policyholder, and to the IRS, outlining which months the policyholder and any covered dependents had coverage during the previous year. This information will be provided to all policyholders via the **Form 1095-B**; and to the IRS via **Form 1094-B**, along with copies of all of the Forms 1095-B.

As plan sponsor of the MMEHT health plans, the **Health Trust** will once again provide a **Form 1095-B** to each policyholder who was covered under a Health Trust health plan during 2019, and will also provide that information to the IRS. Forms 1095-B will be mailed to policyholders (covered employees) on or before **March 2, 2020**.

Where Are the Forms?

Health Trust participating employers that meet the IRS definition of an **Applicable Large Employer** will be required to provide a **Form 1095-C** to each full-time employee, as well as providing that information to the IRS. The IRS has not yet released the final 2019 forms yet, but you can find draft forms 1095-C and 1094-C on the IRS website, at <https://www.irs.gov/pub/irs-dft/f1095c--dft.pdf> and <https://www.irs.gov/pub/irs-dft/f1094c--dft.pdf>, respectively. Draft instructions are on the IRS website, at <https://www.irs.gov/pub/irs-dft/i109495c--dft.pdf>

You can also find IRS Notice 2019-63 online, at <https://www.irs.gov/pub/irs-drop/n-19-63.pdf>.

Once the IRS has finalized the forms for 2019, we will send out a notice to let you know where to find the forms on the IRS website. We will also plan to hold our usual series of ACA Reporting Workshops during January 2020; the schedule will be announced later this month.

Have a great weekend!

Please note that the Maine Municipal Association and the Maine Municipal Employees Health Trust are sharing this information to assist you with your compliance planning. We recommend that you contact your legal counsel with specific questions relating to this law.