

Legal Alerts

IRS Extends Affordable Care Act Reporting Deadlines

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Garvey Schubert Barer Legal Update, January 8, 2016.

Recognizing that employers, insurers and other providers of health coverage needed additional time to comply with upcoming reporting deadlines under the Affordable Care Act ("ACA"), the IRS recently issued Notice 2016-4. The notice extends the due dates for employers of 50 or more full-time equivalent employees ("Applicable Large Employers") to provide IRS Form 1095 to their employees and to file copies with the IRS.

Under Notice 2016-4:

- Applicable Large Employers now have two additional months-until March 31, 2016-to provide employees with copies of Forms 1095-B and 1095-C (as applicable). The prior deadline was February 1, 2016.
- Applicable Large Employers now have three additional months to file the applicable Forms 1094 and 1095 with the IRS. The new deadlines are May 31, 2016, for employers not filing electronically and June 30, 2016, for employers filing electronically. The prior deadlines were February 29, 2016, and March 31, 2016, respectively.

The notice states that, in light of these extensions, the provisions regarding automatic and permissive extensions of the deadline for providing these forms to employees and filing copies with the IRS will not apply to the extended due dates. Failure to comply with these extended due dates may result in penalties. However, the IRS has previously stated that penalties may be waived if an employer has made reasonable, good faith efforts to prepare for these new reporting requirements and provide the necessary information to employees and the IRS.

Form 1095 is intended to provide individuals with information about their employer-provided health insurance coverage, which they will need to fill out their income tax returns. Because of the delay, individuals who file their tax returns prior to receiving this information based upon other information received from their coverage providers will not be required to file amended returns for 2015 once they receive Form 1095. Rather, they merely need to keep the information with their tax records.

A copy of Notice 2016-4 may be found at: <https://www.irs.gov/pub/irs-drop/n-16-04.pdf>.

If you have questions about IRS Form 1094/1095 reporting, the extended deadlines, or the Affordable Care Act, please contact Vince Cacciottoli or Steve Nofziger.

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