

BENEFIT NEWS BRIEFS***IRS Publishes Final ACA Reporting Forms and Instructions***

Since the coverage and filing mandates of the *Affordable Care Act (ACA)* are still the law of the land, the IRS has released final 2018 reporting forms for use in complying with the [individual mandate](#) and the [employer mandate](#) reporting obligations. Individuals, providers of coverage and Applicable Large Employers (ALEs) (>50 full-time employees) must still comply with the mandates and IRS reporting requirements or face monetary penalties, even though the monetary penalty for failure to comply with the individual mandate is reduced to \$0 beginning January 1, 2019. See [Benefit News Briefs 2018-02](#) for more on the law reducing this penalty.

We will briefly review the forms from the perspective of a multiemployer health plan and an ALE that contributes to a multiemployer plan. Links to the IRS Forms, related FAQs and filing information are at the end of this newsletter. In short, the filing process and “coding” for ALEs that are contributing employers to multiemployer health plans has not changed. The duties of the multiemployer plan providing minimum essential coverage are also the same.

Providers of Minimum Essential Coverage and Forms 1094-B and 1095-B

Providers of minimum essential health coverage must file these forms and also provide a copy of the 1095-B form to the participant who was covered under the multiemployer plan. Multiemployer health plans generally provide minimum essential coverage to participants and must file and provide these forms as noted.

Generally, the return and transmittal form must be filed with the IRS on or before February 28 if filing on paper (March 31 if filing electronically) of the year following the calendar year of coverage. If the regular due date falls on a weekend or legal holiday, then the due date is the next business day. A business day is any day that isn't a weekend or legal holiday. As such, for forms filed in 2019 reporting coverage provided in calendar year 2018, Forms 1094-B and 1095-B are required to be filed by February 28, 2019, or April 1, 2019, if filing electronically.

A copy of Form 1095-B must be furnished to the participant by January 31, 2019, for coverage in 2018.

Applicable Large Employers and Forms 1094-C and 1095-C

ALEs must file the 1094-C/1095-C Form series. Generally, an ALE must file Forms 1094-C and 1095-C by February 28 if filing on paper (or March 31 if filing electronically) of the year following the calendar year to which the return relates. If the due date falls on a weekend or legal holiday, then the due date is the following business day. A business day is any day that is not a weekend or legal holiday. As such, for calendar year 2018, Forms 1094-C and 1095-C are required to be filed by February 28, 2019, or April 1, 2019, if filing electronically.

There are no real changes to note in the Form 1094-C and 1095-C series applicable to multiemployer plans or contributing employers that are ALEs. As noted earlier, the employee coding remains the same for ALEs who contribute to multiemployer health plans for employees for whom the employer makes contributions to the multiemployer health plan.

For reporting offers of coverage for 2018 on Form 1095-C, an ALE relying on the *multiemployer arrangement interim guidance* should enter code 1H on line 14 for any month for which the ALE enters code 2E on line 16 (indicating that the ALE was required to contribute to a multiemployer plan on behalf of the employee for that month and therefore is eligible for the multiemployer interim rule relief). For reporting for 2018, code 1H may be entered without regard to whether the employee was eligible to enroll or enrolled in coverage under the multiemployer plan.

For reporting for future years, ALEs relying on the multiemployer arrangement interim guidance *may* be required to report offers of coverage made through a multiemployer plan in a different manner.

The Instructions summed up the multiemployer interim rule relief rule as:

Interim Guidance Regarding Multiemployer Arrangements.

An ALE is treated as offering health coverage to an employee if the ALE is required by a collective bargaining agreement or related participation agreement to make contributions for that employee to a multiemployer plan that offers, to individuals who satisfy the plan's eligibility conditions, health coverage that is affordable and provides minimum value, and that also offers health coverage to those individuals' dependents. For more information, see Section XV.E of the preamble to the [final regulations under Section 4980H](#). This relief is referred to as the multiemployer arrangement interim guidance and the multiemployer interim rule relief in these instructions.

Final 2018 Forms 1094-B and 1095-B

Instructions 1094-B and 1095-B

Form 1094-B - Transmittal of Health Coverage Information Returns

Form 1095-B - Health Coverage

For additional information related to reporting by Providers of Minimum Essential Coverage, go to <https://www.irs.gov/affordable-care-act/employers/information-reporting-by-providers-of-minimum-essential-coverage>.

For information related to filing Forms 1094-B and 1095-B electronically, visit <https://www.irs.gov/e-file-providers/air/affordable-care-act-information-return-air-program>.

Final 2018 Forms 1094-C and 1095-C

Instructions 1094-C and 1095-C

Form 1094-C - Transmittal of Employer-Provided Health Insurance Offer and Coverage Information Returns

Form 1095-C - Employer-Provided Health Insurance Offer and Coverage

For FAQs specifically related to completing Forms 1094-C and 1095-C, go to www.irs.gov/Affordable-Care-Act/Employers/Questions-and-Answers-about-Information-Reporting-by-Employers-on-Form-1094-C-and-Form-1095-C.

For information related to filing Forms 1094-C and 1095-C electronically visit www.irs.gov/e-file-providers/air/affordable-care-act-information-return-air-program.

* * *

LEGAL DISCLAIMER: Information contained in this publication is not legal advice, and should not be construed as legal advice. If you need legal advice upon which you can rely, you should seek a legal opinion from your attorney.