

October 4, 2017

Final 2017 ACA Reporting Forms Released

The Internal Revenue Service (IRS) has issued final 1094-B, 1095-B, 1094-C, and 1095-C forms that employers, plan sponsors and group health insurers will use to report health coverage to plan members and the IRS as required by the Affordable Care Act (ACA). Final instructions have been issued for Forms 1094-B and 1095-B, and final instructions are still to come for Forms 1094-C and 1095-C.

[Draft Instructions for Forms 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](#)

[Final Instructions for Forms 1094-B and 1095-B](#)

- [Form 1094-B Transmittal of Health Coverage Information Returns](#)
- [Form 1095-B Health Coverage](#)

As to reporting deadlines, we have not heard about any anticipated delays or possible extension this year. And there is no relief this year for “good faith” efforts. As of now, employers are responsible for furnishing employees with a Form 1095-C by Wednesday, January 31, 2018. Employers are responsible for filing copies of Form 1095-C with the IRS by Wednesday, February 28, 2018 if filing by paper or Monday, April 2, 2018, if filing electronically (same as Form 1094-C). We understand the IRS is monitoring non-compliance and has dedicated caseworkers (tax compliance officers) handling this process. They appear ready to move toward penalty assessment and we understand they have developed a tool to automate the tracking and penalties process. While its implementation has been delayed, the IRS has indicated its intention to use the tool to catch up on 2015 violations that have not yet been called out. The IRS also has sent letters to a number of taxpayers who apparently should have been subject to the ACA filing requirement, but did not furnish the required forms.

The IRS also recently released IRS Information Letters (2017-0010, 2017-0011, 2017-0013 and 2017-0017) to address the ACA's employer and individual mandates following President Trump's executive order directing agencies to minimize ACA's burdens. Unfortunately, certain of the Letters specifically note that the executive order does not change the applicability of the ACA requirements (only legislative action can change the statutory provisions of the ACA). While the

Letters do not necessarily provide new information, they're a reminder that the ACA is still the law and compliance is still required despite legislative efforts to repeal it and administrative action to modify it.

We will continue to monitor developments over the coming weeks and months, and provide details on new and revised employer obligations as they take shape over time. Should you have questions about this or any aspect of federal health insurance reform, contact your Conner Strong & Buckelew account representative toll free at 1-877-861-3220. For a complete list of Legislative Updates issued by Conner Strong & Buckelew, visit our online [Resource Center](#).



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