

Due Date for Providing ACA Coverage Forms to Employees/Participants Extended from January 31, 2018 to March 2, 2018

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Just before the start of the new year, the IRS issued Notice 2018-06, automatically extending to March 2, 2018 the due date for applicable large employers (generally those with 50 or more full-time employees) to furnish the Form 1095-C to full-time employees (pursuant to Section 6056 of the Internal Revenue Code [the "Code"]) — and for providers of health plan coverage (i.e., insurers and self-funded plans) to furnish the Form 1095-B to covered individuals (pursuant to Section 6055 of the Code). While the final regulations implementing Sections 6055 and 6056 provide for a January 31 due date, the IRS determined that a substantial number of employers, insurers and other providers of coverage (such as multiemployer plans) need additional time to gather and analyze information, and furnish the requisite forms. Similar extensions were provided for 2015 and 2016 reporting. The extension affects coverage offered/provided in 2017 for which reporting is due to employees/covered individuals in 2018. (Note: Taxpayers who file their tax returns prior to receiving the Form 1095-B or 1095-C may rely on other information provided by their employer or coverage provider when completing their returns in order to substantiate eligibility for the premium tax credit under Section 36B or to confirm that they had "minimum essential coverage" during the year.)

Transition Relief Also Available for Incorrect or Incomplete Forms. Similar to relief extended for reporting required in 2016 and 2017, the Notice also provides for transition relief from penalties under Sections 6721 and 6722 for forms that include incorrect or incomplete information (for example, missing or incorrect Social Security Numbers or dates of birth). The relief is available if a good faith effort is made to comply with the regulations — i.e., for forms that are actually furnished and filed by the applicable due dates.

No Extension of Deadline to File Forms with IRS. While employers and providers of coverage will have additional time to furnish forms to employees and covered individuals, the due dates for filing the forms with the IRS have NOT been extended. This means that the due date for filing Forms 1094-B, 1095-B, 1094-C or 1095-C remains **February 28, 2018** for paper filing, or **April 2, 2018** for filing electronically.

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