



Health Care Reform in Indian Country

Self-Governance Communication & Education

Self-Governance Tribes Striving Towards Excellence in Health Care

Extension of Due Dates for Employer and Issuer 2015 Information Reporting Under Internal Revenue Code Sections 6055 and 6056¹

March 31, 2016 (Revised)

This brief seeks to provide guidance to Tribal employers on an extension of the due dates for the 2015 information reporting requirements for self-insuring employers and other providers of minimum essential coverage under section 6055 of the Internal Revenue Code (IRC), as well as the information reporting requirements for certain large employers under section 6056. The Department of the Treasury and IRS have determined that some employers, insurers, and other providers of minimum essential coverage need additional time to adapt and implement systems and procedures to gather, analyze, and report this information.

IRS Notice 2016-4

In response to concerns from employers and insurers, IRS on December 28, 2015, issued Notice 2016-4,² which extends the deadline for filing with the agency and furnishing to individuals the forms associated with the information reporting requirements associated with IRC sections 6055 and 6056 (see more below).

This notice:

- Extends the due date for filing with IRS the 2015 Form 1094-B and the 2015 Form 1094-C
 - from February 29, 2016, to May 31, 2016, if not filing electronically, and
 - from March 31, 2016, to June 30, 2016, if filing electronically.

In addition, this notice:

- Extends the due date for furnishing to individuals the 2015 Form 1095-B and the 2015 Form 1095-C from February 1, 2016, to March 31, 2016.

In view of these extensions, IRS noted that the provisions regarding automatic and permissive extensions of time for filing information returns and permissive extensions of time for furnishing statements will not apply to the extended due dates. Self-insuring employers and other providers of minimum essential coverage that do not comply with these extended due dates could face penalties for failure to furnish and file on a timely basis.

Section 6055

Under IRC section 6055, as enacted by the Affordable Care Act (ACA), applicable large employers (ALEs)³ that sponsor self-insured group health plans, health insurance issuers, and others that provide minimum

¹ This brief is for informational purposes only and is not intended as legal advice. For questions on this brief, please contact Doneg McDonough, TSGAC Technical Advisor, at DonegMcD@Outlook.com.

² "Extension of the Due Dates for 2015 Information Reporting Under IRC §§ 6055 and 6056." See <https://www.irs.gov/pub/irs-drop/n-16-04.pdf>

³ This term refers to employers with at least a certain number of employees (generally 50 full-time employees or a combination of full-time and part-time employees equivalent to 50 full-time employees).

essential coverage to individuals must report to IRS annually information about the type and period of coverage and furnish the information in statements to covered individuals. IRS in March 2014 issued final regulations⁴ on the information reporting requirements under section 6055. These requirements will apply for the first time to health insurance coverage provided in 2015.⁵ As such, health insurance coverage providers are required to file information returns with the IRS in 2016 (Form 1094-B, Transmittal of Health Coverage Information Returns), as well as furnish statements to individuals in 2016 (Form 1095-B, Health Coverage), to report coverage information in calendar year 2015.

Important links:

- Form 1094-B is available at <https://www.irs.gov/pub/irs-prior/f1094b--2015.pdf>. Instructions for this form are available at <https://www.irs.gov/pub/irs-prior/i109495b--2015.pdf>.
- Form 1095-B is available at <https://www.irs.gov/pub/irs-prior/f1095b--2015.pdf>. Instructions for this form are available at <https://www.irs.gov/pub/irs-prior/i109495b--2015.pdf>.
- Additional information on the section 6055 information reporting requirements is available at <https://www.irs.gov/Affordable-Care-Act/Questions-and-Answers-on-Information-Reporting-by-Health-Coverage-Providers-Section-6055>.

Section 6056

IRC section 6056, also enacted by ACA, requires ALEs to report to IRS information about the health insurance coverage, if any, they offered to full-time employees. In addition, section 6056 requires ALEs to furnish related statements to employees that employees can use to determine whether, for each month of the calendar year, they can claim on their individual tax returns a premium tax credit. IRS issued final regulations⁶ on the information reporting requirements under section 6056 in March 2014. These requirements will apply for the first time to health insurance coverage provided in 2015.⁷ As such, ALEs are required to file information returns with the IRS in 2016 (Form 1094-C, Transmittal of Employer-Provided Health Insurance Offer and Coverage Information Returns), as well as furnish statements to individuals in 2016 (Form 1095-C, Employer-Provided Health Insurance Offer and Coverage), to report coverage information in calendar year 2015.

Important links:

- Form 1094-C is available at <https://www.irs.gov/pub/irs-prior/f1094c--2015.pdf>. Instructions for this form are available at <https://www.irs.gov/pub/irs-prior/i109495c--2015.pdf>.
- Form 1095-C is available at <https://www.irs.gov/pub/irs-prior/f1095c--2015.pdf>. Instructions for this form are available at <https://www.irs.gov/pub/irs-prior/i109495c--2015.pdf>.
- Additional information on the section 6056 information reporting requirements is available at <https://www.irs.gov/Affordable-Care-Act/Employers/Questions-and-Answers-on-Reporting-of-Offers-of-Health-Insurance-Coverage-by-Employers-Section-6056>.

⁴ TD 9660, "Information Reporting by Applicable Large Employers on Health Insurance Coverage Offered Under Employer-Sponsored Plans." See <https://www.gpo.gov/fdsys/pkg/FR-2014-03-10/pdf/2014-05050.pdf>.

⁵ IRS in July 2013 issued Notice 2013-45, which provided transition relief for 2014 from these requirements.

⁶ TD 9661, "Information Reporting by Applicable Large Employers on Health Insurance Coverage Offered Under Employer-Sponsored Plans." See <https://www.gpo.gov/fdsys/pkg/FR-2014-03-10/pdf/2014-05050.pdf>.

⁷ IRS in July 2013 issued Notice 2013-45, which provided transition relief for 2014 from these requirements.