

NEWS ALERT

EMPLOYEE BENEFITS

ACA Information Reporting Deadlines for Calendar Year 2021 Will Soon Be Here

By Melanie N. Aska | February 4, 2022

The Affordable Care Act (ACA) information reporting deadlines for calendar year 2021 health coverage will soon be here:

ACA Information Reporting Requirement	Deadline
<p><i>Form 1095-B (Health Coverage) or Form 1095-C (Employer-Provided Health Insurance Offer and Coverage) furnished to covered individuals and employees¹</i></p>	<p>March 2, 2022 (automatically extended 30 days from January 31, 2022)</p>
<p><i>Paper filings with the IRS of:</i></p> <ul style="list-style-type: none"> • <i>Form 1094-B (Transmittal of Health Coverage Information Returns) and Form 1095-B (Health Coverage)</i> <p style="text-align: center;">or</p> <ul style="list-style-type: none"> • <i>Form 1094-C (Transmittal of Employer-Provided Health Insurance Offer and Coverage Information Returns) and Form 1095-C (Employer-Provided Health Insurance Offer and Coverage)</i> 	<p>February 28, 2022²</p>
<p><i>Electronic filings with the IRS of:</i></p> <ul style="list-style-type: none"> • <i>Form 1094-B (Transmittal of Health Coverage Information Returns) and Form 1095-B (Health Coverage)</i> <p style="text-align: center;">or</p> <ul style="list-style-type: none"> • <i>Form 1094-C (Transmittal of Employer-Provided Health Insurance Offer and Coverage Information Returns) and Form 1095-C (Employer-Provided Health Insurance Offer and Coverage)</i> 	<p>March 31, 2022²</p>

Background. Late last year, the IRS issued proposed [regulations](#) which made permanent an automatic 30-day extension of the otherwise-applicable January 31 deadline for furnishing ACA information reporting Forms 1095-B and 1095-C to covered individuals and employees, relating to health coverage for the previous calendar year. Although the proposed regulations provide that the permanent automatic 30-day extension would apply for calendar years beginning after December 31, 2021, they permit reporting entities to choose to apply the automatic 30-day extension for calendar years beginning after December 31, 2020. (The new permanent automatic 30-day extension replaces both the former 30-day extension for good cause shown to the IRS and the former authorization for the IRS to provide automatic extensions.)

Under the new permanent automatic 30-day extension, information reporting forms furnished to covered individuals and employees will be timely furnished if furnished no later than 30 days after January 31 of the calendar year following the calendar year to which they relate. If the extended furnishing deadline falls on a weekend day or legal holiday, information reporting forms will be timely if furnished on the next business day. Information reporting forms for calendar year 2021 will be timely if furnished no later than 30 days after January 31, 2022, that is, by Wednesday, March 2, 2022. The IRS proposed regulations provide an alternative means for furnishing information reporting forms (see Note 2 in the Notes to Chart, below).

The IRS proposed regulations, however, do *not* change the deadlines for filing information reporting forms with the IRS. Thus, paper forms relating to a given calendar year still must be filed with the IRS by the next following February 28, and electronic forms must be filed by the next following March 31.

Notes to Chart

¹Alternative to Automatically Furnishing Certain Information Reporting Forms. Because the individual shared responsibility payment (sometimes referred to as the individual mandate penalty) has been reduced to \$0, instead of automatically furnishing certain information reporting forms, reporting entities would be treated as having timely furnished *Forms 1095-B* to covered individuals, and applicable large employers (ALEs) would be treated as having timely furnished *Forms 1095-C* to non-full-time employees and non-employees (but not to full-time employees) enrolled in the ALE's self-insured health plan, if the reporting entity or ALE, as applicable:

- Provides clear and conspicuous notice, in a location on its website that is reasonably accessible to all responsible individuals, stating that they may receive a copy of their *Form 1095-B* or *Form 1095-C*, as applicable, upon request, and the notice must include an email address, a physical address to which a request for a *Form 1095-B* or *Form 1095-C* may be sent, and a telephone number that the individual may use to contact the reporting entity or ALE with any questions;
- Retains the notice in the same location on its website through October 15th of the year following the calendar year to which the *Form 1095-B* or *Form 1095-C*, as applicable, relates (or the first business day after October 15th, if October 15th falls on a Saturday, Sunday or legal holiday); and
- Furnishes the *Form 1095-B* or *Form 1095-C*, as applicable, to a requesting individual within 30 days of the date the request is received (the *Form 1095-B* or *Form 1095-C* may be furnished electronically, if applicable requirements are met).

The website notice described above must be written in plain, non-technical terms and with letters of a font size large enough, including any visual clues or graphical figures, to call to a viewer's attention that the information pertains to tax statements reporting that individuals had health coverage. For example, a website provides a clear and conspicuous notice if it:

- Includes a statement on the main page—or a link on the main page, reading "Tax Information", to a secondary page that includes a statement—in capital letters, "IMPORTANT HEALTH COVERAGE TAX DOCUMENTS";
- Explains how individuals may request a copy of *Form 1095-B* or *Form 1095-C*, as applicable; and
- Includes the reporting entity's email address, mailing address, and telephone number.

²Reporting entities may obtain a 30-day extension of these IRS filing dates by filing *Form 8909 (Application for Extension of Time to File Information Returns)* by the applicable filing due date.

If you have any questions, please contact: Melanie N. Aska, Counsel, at 617-457-4131 or maska@murthlaw.com