1094/1095



ZZZZZZZZZZZZZZZZZZZZZZZZZZZ

YES, it is still required...AND!!!!!!!





Today

1094 & 1095 Reports		Small Employers: Level Funded Plans & QSEHRAs
What Are They/What Changed?	Nov 5 th IRS Guidance	The 720 Return—2 nd Quarter
When Are They Due?	Letter 226J	Some TPAs don't do the 1095C
What About Extensions?	Individual Mandate doesn't stop purchases On-Exchange	The QSEHRA dilemma

Healthplan Reporting 1094/1095



The Big Myth

PRESIDENT Trump's Executive order to "Minimize burdens" of the ACA on Jan 20th killed off all IRS reporting Requirements.

This is FALSE!

The 1094



Transmittal of Employer-Provided Health Insurance Offer and Coverage Information Returns Department of the Treasury Information Revenue Service Coverage Information Returns Go to www.irs.gov/Form1094C for instructions and the latest information. Part I Applicable Large Employer Member (ALE Member)	120118 OMB No. 1545-2251 2017							
1 Name of ALE Member (Employer) 2 Employer identification number (EIN)								150518
3 Street address (including room or suite no.)		217						Page 2
4 City or town 5 State or province 6 Country and ZIP or foreign postal code 7 Name of person to contact 8 Contact telephone number		LE Membe	r Information - I		1			Fage 2
9 Name of Designated Government Entity (only if applicable) 10 Employer identification number (EIN)			Offer I	sential Coverage ndicator	(b) Section 4980H Full-Time Employee Count for ALE Member	(c) Total Employee Count for ALE Member	(d) Aggregated Group Indicator	(e) Reserved
11 Street address (including room or suite no.)			Yes	No				
For Official 12 City or town 14 Country and ZIP or foreign postal code	Use Only	12 Months						
15 Name of person to contact 16 Contact telephone number	$\Pi \Pi$	Jan						
17 Reserved Control of the Control o		Feb						
18 Total number of Forms 1095-C submitted with this transmittal		Mar						
Part II ALE Member Information								
20 Total number of Forms 1095-C filed by and/or on behalf of ALE Member		Apr						
21 Is ALE Member a member of an Aggregated ALE Group?	Yes No	Мау						
22 Certifications of Eligibility (select all that apply): A. Qualifying Offer Method B. Reserved C. Reserved D. 98% Offer Method		June						
A. Qualifying Offer Method B. Reserved C. Reserved D. 98% Offer Method Under penalties of perjury, I declare that I have examined this return and accompanying documents, and to the best of my knowledge and belief, they are true, correct, and complete the correct of the co	lete.	July						
Signature Title Total Cat. No. 61571A Cat. No. 61571A	Form 1094-C (2017)	Aug						
	rum 1034-0 (2017)	Sept						
	33	Oct						
	34	Nov						
	35	Dec						

Form 1094-C (2017)

1094 Aggregate large employers



Form 1094-C (2017) Part IV Other ALE Members of Aggregated ALE G	roup		Page 3	
Enter the names and EINs of Other ALE Members of the Agg	regated ALE Group (who we	re members at any time during the calendar year).		
Name	EIN	Name	EIN	
36		51		
37		52		
38		53		
39		54		
40	19 Is this the autho	ritative transmittal for this ALE Member? If "Yes," check the bo	ox and continue. If "No," see instruc	tions
41	Part II ALE Me	mber Information		
42	20 Total number of	Forms 1095-C filed by and/or on behalf of ALE Member		
43	21 Is ALE Member	a member of an Aggregated ALE Group?		
44	If "No," do not o	complete Part IV.		
45		60		
_46		61		
47		62	15	
48		63		
49		64	+	
50		65		
			Form 1094-C	

The 1095

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Form 1095-A	Health	Insuran	ce Mark	etplace S	statement vo		IB No. 1545-2232								95-C	ı	Empl	oyer-Pro	vided H	lealth Ins	surance	Offer	and (Covera	age		OID		OMB No.	
Department of the Treasury Internal Revenue Service	I		-	rn. Keep for you	ur records. CO	RRECTED	2017							Department o	of the Treasury nue Service Employee					to your tax ret		-	est inform		rge Em		ORRE	Employe	20	<u> 17 </u>
Part I Recipie	ent Information													1 Name of e					2 Social	security number	(SSN) 7	7 Name of	femployer	able La	ige Liii	picyel ivi	illoci (•	ion number (EIN)
1 Marketplace identifie	r	2 Marketpla	ace-assigned po	licy number 3	Policy issuer's name									3 Street add	dress (including	apartment	no.)				9	9 Street a	ddress (inc	luding room	n or suite no).)		10 Conta	act telephone r	number
4 Recipient's name					6 Recipient's SSN	6 Recipient's da	ate of birth	-						4 City or too	wn	5 S	tate or provinc	e	6 Country	y and ZIP or foreig	n postal code 1	1 City or to	own		12 State of	or province		13 Countr	ry and ZIP or for	reign postal code
													-	Part II					Max	Ans				th (Enter				Oat	New	Dee
7 Recipient's spouse's	name			1	Form 1095-B			Health Cov	erag	е				14 Offer of Coverage (en		Months	Jan	Feb	Mar	Apr	May	June	•	July	Aug	Se	ot	Oct	Nov	Dec
10 Policy start date		11 Policy terr	mination date	1:	Department of the Treasury		▶ Do not att	ach to your tax return	n. Keep fo	r your record				required code 15 Employee	e)															
13 City or town		14 State or p	rovince	15	Internal Revenue Service Part I Responsible I		o to www.irs.gov/	Form1095B for instru	ctions an	d the latest i	nformation	1.	—	Required Contribution (instructions)	see	•				¢	¢	¢	4		¢	4	4		t	•
		Tr Glate of p			Name of responsible individual					2 Socia	l security nun	mber (SSN) or o	ther '	16 Section 49	Φ 980H	Ψ		,	D	Φ	φ	Ψ	Ψ		Ψ	9	9		Þ	Ψ
Part II Covere	d Individuals				4 Street address (including apartn	nent no.)		5 City or town		6 State	or province			Safe Harbor a Other Relief (e code, if applic	enter cable)															
A. Co	vered individual name	e	B. Covered indiv	vidual SSN C. (9 Reser	ved				Covered If Employe			ed coverage	check the	box and enter	r the informa	tion for	each ind	ividual er	nrolled in	coverage	includin	the emplo	ovee	
					8 Enter letter identifying Origin Part II Information A					 ictions)					Name of cove			(b) SSN or		(c) DOB (If SSN or other TIN is	(d) Covered	d				(e) Months	of Coverag	е		New Dee
16					10 Employer name					,										not available)	un 12 mona	ns Jan	Feb				July	Aug Sep	ot Oct	Nov Dec
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17					Part III Issuer or Other	er Coverage Prov	vider (see instru	uctions)																		1				
18					16 Name					17 Emp	loyer identific	cation number	(EIN)	18																
10					19 Street address (including room	or suite no.)	2	O City or town		21 State	e or province																			
19					Part IV Covered Indiv	iduals (Enter the	information for	each covered ind	ividual.)					19																
20					(a) Name of covered indi	vidual(s) ((b) SSN or other TIN	(c) DOB (if SSN or other TIN is not available)	(d) Covered all 12 months				(e)																	
Part III Covera	ge Informatior	n								Jan Fel	o Mar	Apr Ma	ıy	20												_				
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21 January														22																
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12/4/2017

1095C—the Change

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Quiz 1

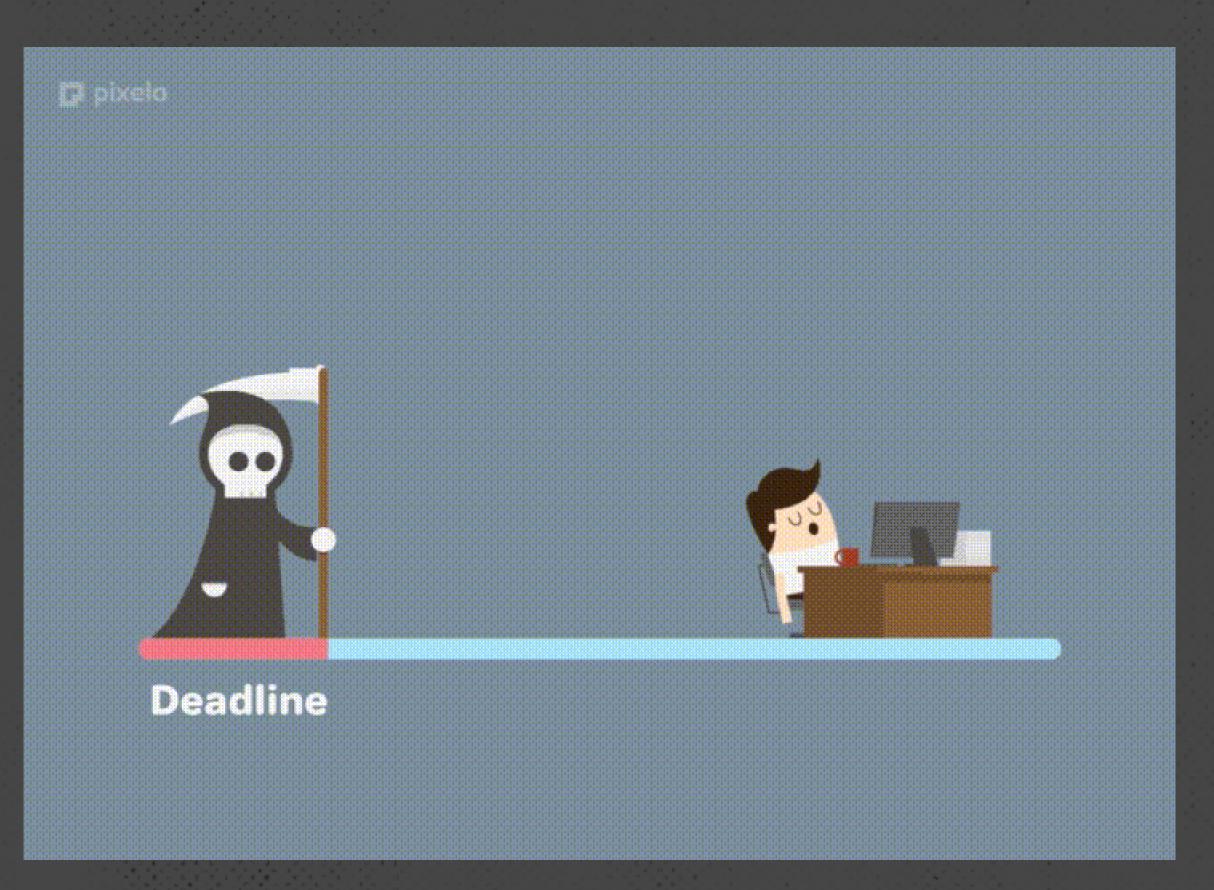


Who might generate a 1095a Report?

- A. A Large Group Employer
- B. Price Waterhouse Cooper
- C. Quickbooks
- D. Healthcare.gov ("The Marketplace")

Deadlines to file for 2017

 \star \star \star \star \star \star \star



1095 to Employees by January 31st

1094 to IRS by end of Feb if Paper/End of March if Electronic

Automatic Extensions we've seen the past 2 years aren't in play at this time. (last year's notification of the 30 day extension)

The Biggest Job is the 1095—the 1094 is child's play once those are done.

What if we need more time?



There are 2 options to Request an Extension (in case they don't give us the 30 day auto-extension like last year)

1095 Extension beyond Jan 31st

- Must request in writing to IRS Prior to Jan 31st (no form available)
- Must give specific reason for request
- Approval not automatic—and you may not know outcome before Jan31st!

1094 Extension (Feb 28/Apr 2nd)

- Form 8809 mailed to IRS by deadline
- Automatic 30 day extensions

What about that "best effort"?

 \star \star \star \star \star \star \star

No announcement of GOOD FAITH COMPLIANCE for this upcoming filing



- **Last year IRS extended "Good** Faith" on Nov 18th.
- No announcement as of yet
- It avoided penalties if you could show efforts were made to comply

What is the cost of not filing?

 \star \star \star \star \star \star \star

For Late Filers and Non-Filers, there of course are consequences a.k.a. Penalties.

These are different from the ACA Penalties which we'll touch on next.

Employers who didn't file for 2015 or 2016 are facing a \$250 and/or \$260 per form penalty

You've missed all the lower penalties for late filing

- \$50 if filed 30 days late
- \$100 if filed more than
 31 days late but before
 Aug. 1st

I don't want to cause a problem if they don't



Yes, the IRS had issues matching up large employers to 1094 returns and Marketplace penalty triggers. They've been fixing those!

"Willfully" refusing to file triggers a double penalty.

That's \$500 per form for 2015 and \$520 for 2016.

Company has 125 employees in 2016 and hasn't filed yet.

If they are late because they tried= \$260 x 125 = \$32,500

Willfully Refused= \$65,000

Ouiz 2 ***********

What is the deadline for 1095's in 2018?

- A. January 31st
- B. January 15th
- C. January 2nd
- D. April 2nd

Pay or Play Penalties-The FAC updates



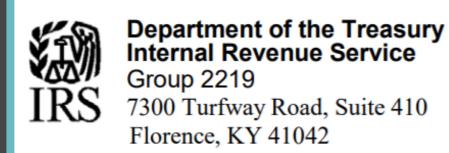
"Late 2017"

Questions 55-58 shed light on your deepest fears

Letter 226J is introduced to the world

226





Tax year:

Letter date:

Dear

We have made a preliminary calculation of the Employer Shared Responsibility Payment (ESRP) that you owe.

Proposed ESRP \$ [XXXXXX]

Our records show that you filed one or more Forms 1095-C, Employer-Provided Health Insurance Offer and Coverage, and one or more Forms 1094-C, Transmittal of Employer-Provided Health Insurance Offer and

Penalties can only be assessed by the IRS through Letter 226J

The Marketplace notices were a good "heads-up", but not penalties



Crash Course on Penalties



Penalty Type	"No Coverage"	"Unaffordability"
Description	Coverage not offered to 95%** of full-time employees	Coverage offered, but unaffordable or is not minimum value
2018	\$2,320	\$3,480
2017	\$2,260	\$3,390
2016	\$2,160	\$3,240
2015	\$2,080	\$3,120
2014*	\$2,000	\$3,000

^{*}No employer shared responsibility penalties will be assessed for 2014.

Tom's King of Wings No-offer in 2015

 \star \star \star \star \star \star \star



15 stores averaging 11 true Full-Time Employees.

 $11 \times 15 = 165 \text{ Full Times}$

For 2015—No offer of coverage:

165 Full Time Employees minus 30 80* "Freebies" = 85 Emp @ \$2080 that is a \$176,800 penalty "A" for Not Offering Coverage if just one employee receives a Subsidy

Tom's King of Wings Offered a MEC in 2016



15 stores averaging 11 true Full-Time Employees. $11 \times 15 = 165 \text{ Full Times}$

For 2016—Offered MEC Plan:

- 130 Enrolled in the MEC plan that Tom's paid for in full.
- 20 Employees opted out due to Spouse Coverage
- 15 Employees got coverage on Healthcare.gov with a subsidy.
- 15 x \$3240 "B" Penalty @ \$46,800 due to IRS



2016 No Offer penalty would have cost \$291k

MEC Ins. @ \$187k +
Penalty @ \$47k =
\$234k

12/4/2017

Crash Course on Penalties



Penalty Type	"No Coverage"	"Unaffordability"
Description	Coverage not offered to 95%** of full-time employees	Coverage offered, but unaffordable or is not minimum value
2018	\$2,320	\$3,480
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2016	\$2,160	\$3,240
2015	\$2,080	\$3,120
2014*	\$2,000	\$3,000

^{*}No employer shared responsibility penalties will be assessed for 2014.

Quiz 3



For what year of the ACA's Employer Shared Responsibility were no penalties applicable?

- A. 2020
- B. 2017
- C. 2015
- D. 2014

Small Employers



Can I Save-MONEY?

The Rise of "Level-Funded"

- Insurers Can Medically "Underwrite"
- Most now offering down to 5
 Enrolled
- 30% lower than ACA Small Group
- Self-Funded, but completely Turn-Key

PCORI Taxes

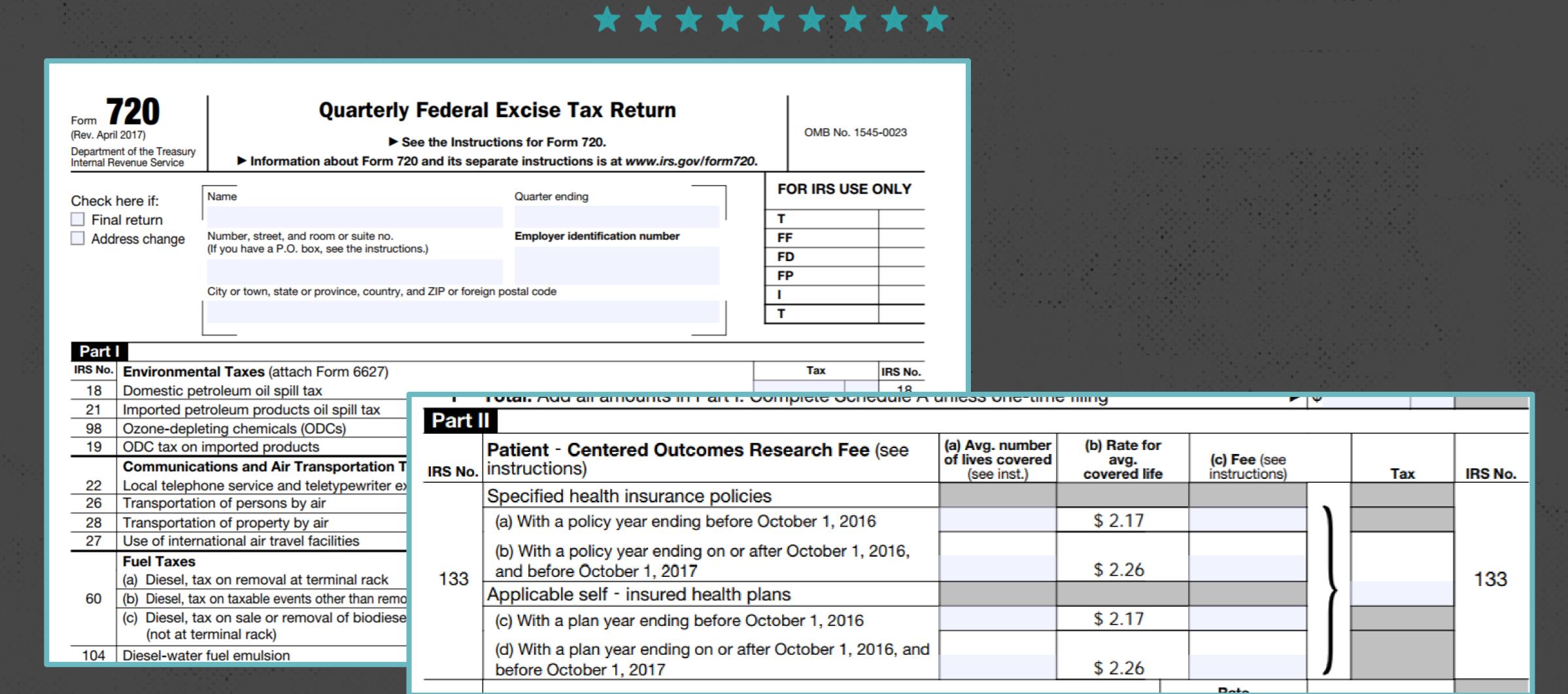


All Self-Funded plans are subject to the PCORI Taxes---Yes, even Small Group "Level-Funded" plans.

While most "Level-Funded" plans have their 1094/1095 completed and filed on their behalf by the Insurer or TPA—not so much on PCORI

And it's due so far after they launch the plan—they forget about it.

720 due in 2nd quarter filing for PCORI



12/4/2017

OSEHRA Plans



Qualified Small Employer HRA Plans

Part of the 21st Century Care Act---Their formation essentially nullified the \$100 per day Excise Tax penalty if an employer paid for an employee's Individual Health Plan.

Some states (Texas for example) still have Insurance Regulations outlawing employers to pay for Individual Health plans either directly or through Pre-Tax funds like a QSEHRA—Do you're research.

Bret's Big 3 Take Aways

- ***
- Watch intently for the 226J form and don't delay any responses....
- Make sure your clients have an efficient and well thought out system for collecting the 1095 data.
- If no "Good Faith Compliance" relief is granted for 2017, be utterly clear how important meeting deadlines and providing clean data are from your clients.

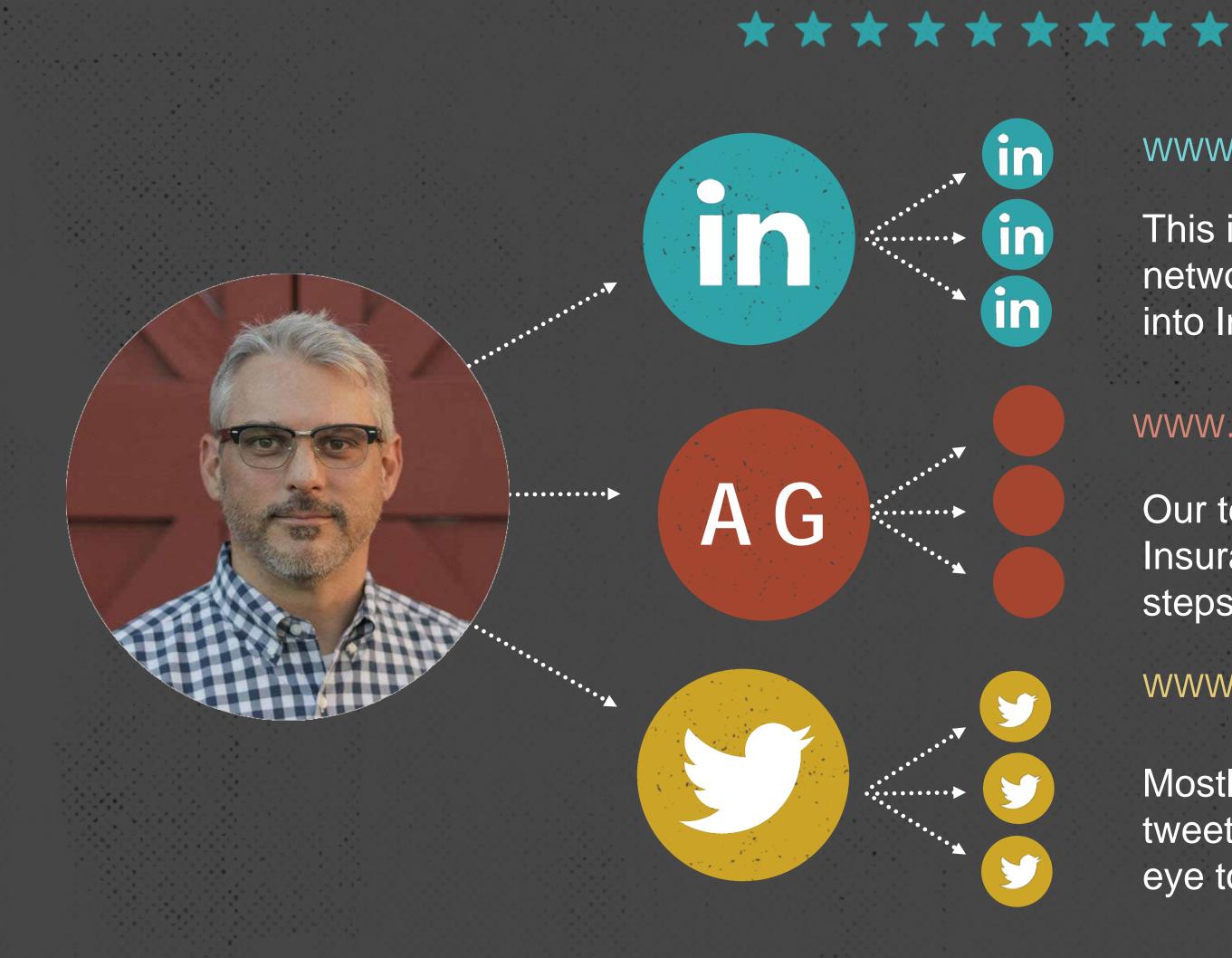
Quiz 4



Which of these groups would be considered a "Small Employer"?

- A. 500 Full Time Employees
- B. 5 Full Time Employees & 35 Part-Timer Employees in the company
- C. 101 Employees in the company
- D. 1999 Employees in the company

Where did they find me??



www.linkedin.com/in/bretbrummitt

This is where you can find me and my network of peers sharing Ideas and Insight into Insurance, HR & Technology

www.agiainc.com/BLOG

Our team posts 5 to 6 times per month with Insurance or HR ideas and practical action steps.

www.twitter.com/bretbrummitt

Mostly Business. I manage all my own tweets mainly a "Mobile" experience with an eye towards understanding the millennial

Oh, and I do sell Benefits and Payroll through Benefitmall too......

12/4/2017

Wrap up ********

Q&ATime