



## BENEFIT NEWS BRIEFS

### ***IRS Releases Final Forms 1094-B & 1094-C, 1095-B & 1095-C and Final Instructions for Reporting 2016 Coverage***

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The IRS has released final 2016 Forms and Instructions for reporting health plan coverage by providers of minimum essential coverage (MEC) and Applicable Large Employers (ALEs). The following final documents are available on the IRS website:

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

Unlike last year, there are no delayed filing dates. See [Benefit News Briefs 2015-66](#).

*Filers can obtain a 30-day extension of time to file these forms by filing a [Form 8809](#) on or before the due dates.*

#### **Forms 1094-B & 1095-B**

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Providers of MEC, like multiemployer group health plans, file the Transmittal Form 1094-B and Health Coverage Form 1095-B and send the covered person a copy of the Form 1095-B by January 31, 2017 for coverage in 2016.

The filing dates for these forms as stated in the final instructions are:

The return and transmittal form must be filed with the IRS on or before February 28 if filing on paper (March 31 if filing electronically) of the year following the calendar year of coverage.

You will meet the requirement to file if the form is properly addressed and mailed on or before the due date. If the regular due date falls on a Saturday, Sunday or legal holiday, file by the next business day. A business day is any day that isn't a Saturday, Sunday or legal holiday.

For forms filed in 2017, reporting coverage provided in calendar year 2016, Forms 1094-B and 1095-B are required to be filed by February 28, 2017, or March 31, 2017, if filing electronically.

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The filers of Form 1095-B must furnish a copy of the Form 1095-B to the covered individual by January 31, 2017 for coverage in 2016.

*Final Instructions page 5*

### **Forms 1094-C & 1095-C**

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ALEs are employers with 50 or more full-time employees (or full-time equivalents). ALEs file Transmittal Form 1095-B and Employer Provided Health Insurance Offer and Coverage Form 1095-C. The filing dates for these forms as stated in the final instructions are:

You will meet the requirement to file Forms 1094-C and 1095-C if the forms are properly addressed and mailed on or before the due date. If the regular due date falls on a Saturday, Sunday or legal holiday, file by the next business day. A business day is any day that is not a Saturday, Sunday or legal holiday.

Generally, you must file Forms 1094-C and 1095-C by February 28 if filing on paper (or March 31 if filing electronically) of the year following the calendar year to which the return relates. For calendar year 2016, Forms 1094-C and 1095-C are required to be filed by February 28, 2017, or March 31, 2017, if filing electronically.

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The multiemployer interim guidance arrangement relief for ALEs is unchanged. For a description of the multiemployer arrangement interim guidance, see *Offer of health coverage* in the *Definitions* section.

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Under the multiemployer interim guidance arrangement, ALEs report employees for whom it does not make contributions to a multiemployer health plan on Form 1095-C, Part III.

For individuals for whom the ALE does make contributions to a multiemployer health plan and relies on the multiemployer arrangement interim guidance, the ALE Member should enter the following on Form 1095-C, Part II - code 1H on line 14 for any month for which the ALE Member enters code 2E on line 16 (indicating that the ALE Member was required to contribute to a multiemployer plan on behalf of the employee for that month and therefore is eligible for multiemployer interim rule relief).

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For reporting for 2016, Code 1H may be entered without regard to *whether the employee was eligible to enroll or enrolled in coverage under the multiemployer plan*. For reporting for 2017 and future years, ALE Members relying on the multiemployer arrangement interim guidance may be required to report offers of coverage made through a multiemployer plan in a different manner.

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**LEGAL DISCLAIMER:** Information contained in this publication is not legal advice, and should not be construed as legal advice. If you need legal advice upon which you can rely, you should seek a legal opinion from your attorney.