

# IAA Legislative Ledger



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Page | 1

## Affordable Care Act Employer/Plan Reporting

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### OVERVIEW OF WHO FILES WHAT FORM FOR ACA EMPLOYER/PLAN REPORTING

#### Form 1094-B: Transmittal of Non-ALE MEC Reporting

#### Form 1095-B: Non-ALE MEC Reporting

Reporting entities that are not ALE (applicable large employers) members, such as health insurance issuers and providers of government-sponsored coverage, report information about individuals who are covered by minimum essential coverage (MEC) on Forms 1094-B (transmittal) and 1095-B (return).

**Self-funded plan sponsors with less than 50 full-time employees or equivalents** (not an ALE) and therefore not subject to the employer shared responsibility provisions will use Forms 1094-B and 1095-B to report information about individuals covered by minimum essential coverage.

**Fully insured plan sponsors with less than 50 full-time employees or equivalents (not an ALE)** - The health insurance issuer has the responsibility to report using Forms 1094-B and 1095-B. These plan sponsors do not need to do ALE reporting.

**Fully insured plan sponsors with 50 or more full-time employees or equivalents** (an ALE) - The health insurer has the responsibility to report using Forms 1094-B and 1095-B. The plan sponsor has the responsibility to report as an ALE using Forms 1094-C and 1095-C. **Form 1094-C: Transmittal of ALE and MEC Reporting**

**Self-funded plan sponsors with 50 or more full-time employees or equivalents** (an ALE) - They must file to report information about individuals who are covered by minimum essential coverage as well as to report for each employee who was a full-time employee for one or months during the calendar year

the coverage offered to that employee (or, that the employer did not offer). The plan sponsor can use Form 1094-C and Form 1095-C to satisfy the MEC and the ALE reporting requirements.

**Fully insured plan sponsors with 50 or more full-time employees or equivalents** (an ALE) - The health insurer has the responsibility to report using Forms 1094-B and 1095-B. The plan sponsor has the responsibility to report as an ALE using Forms 1094-C and 1095-C.

#### ACA NON-REPORTING PENALTIES.

The Trade Promotion Authority bill recently signed into law includes provisions that steeply increase the penalties related to employers' Affordable Care Act (ACA) reporting.

The penalty for failure to file a required information return with the IRS will increase **from \$100 per return to \$250 per return.**

The cap on the total amount of penalties for such failures during a calendar year will increase from **\$1.5 Million to \$3 Million.**

If a failure relates to both the information return to be filed with the IRS and the payee statement furnished to the individual, **these penalties are doubled.**

If a failure is caused by intentional disregard, the new **\$250 penalty noted above is doubled to \$500** for each failure, and no cap applies to limit the amount of penalties that can be applied.

If you need assistance with your reporting, please contact [rebeccafriedman@iaatpacom](mailto:rebeccafriedman@iaatpacom) (Ext: 252) today.

*Thank you,  
Paul Kelly, President*