

Compliance Guidelines for Furnishing 1095-B/C Forms Under the ACA and Paperwork Burden Reduction Act



On December 23, 2024, H.R.3797 Paperwork Burden Reduction Act went into effect. Below is information on how this applies to recipient notification for the Affordable Care Act.

Q: Do I need to give the recipients a printed 1095 B or C copy?

A: You shall be treated as timely furnishing the written statement required if —

- (A) you provide clear, conspicuous, and accessible notice that any individual to whom a statement would otherwise be required to be furnished may request a copy of such statement, and
- (B) you, on request of any such individual, furnish a copy of such statement to such individual not later than the later of —
 - (i) January 31 of the year following the calendar year for which the return was required to be made, or 30 days after the date of such request, whichever is later.

Q: What are the alternatives for providing a copy of the 1095 B/C?

A: To use the alternative manner of furnishing statements, the following conditions must be met.

- The provider must provide clear and conspicuous notice, in a location on its website that is reasonably accessible to all responsible individuals, stating that responsible individuals may receive a copy of their statement upon request. The notice must include an email address, a physical address to which a request for a statement may be sent, and a telephone number that responsible individuals may use to contact the provider with any questions. A notice posted on a provider's website 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 provider's website provides a clear and conspicuous notice if it (1) 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"; (2) explains how responsible individuals may request a copy of Form 1095-B, Health Coverage (or, for an applicable large employer member that sponsors a self-insured group health plan and makes a return in accordance with Regulations section 1.6055-1(f)(2)(i), explains how non-full-time employees and nonemployees who are enrolled in the plan may request a copy of Form 1095-C, Employer-Provided Health Insurance Offer and Coverage); and (3) includes the provider's email address, mailing address, and telephone number.
- The provider must post the notice on its website by March 3, 2025, and retain the notice in the same location on its website through October 15, 2025.



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- Consent to furnish statement electronically. Except as provided below, a filer is required to obtain affirmative consent to furnish a statement electronically. The requirement to obtain affirmative consent to furnish a statement electronically ensures that statements are sent electronically only to individuals who are able to access them. The consent must relate specifically to receiving Form 1095-B electronically. A recipient may consent on paper or electronically, such as by email. If consent is on paper, the recipient must confirm the consent electronically. A statement may be furnished electronically by email or by informing the recipient how to access the statement on the filer's website. Statements reporting coverage under an expatriate health plan, however, may be furnished electronically unless the recipient has explicitly refused to consent to receive the statement in an electronic format.

Q: If I do not furnish a printed copy, what steps must I take to inform recipients that I won't be furnishing printed copies?

A: You shall be treated as timely furnishing the written statement required if you provide clear, conspicuous, and accessible notice (at such time and in such manner as the Secretary may provide) that any individual to whom a statement would otherwise be required to be furnished.

Q: Can I furnish the recipient with a copy electronically instead of via USPS?

A: To use the alternative manner of furnishing statements, the following conditions must be met.

- The provider must provide clear and conspicuous notice, in a location on its website that is reasonably accessible to all responsible individuals, stating that responsible individuals may receive a copy of their statement upon request. The notice must include an email address, a physical address to which a request for a statement may be sent, and a telephone number that responsible individuals may use to contact the provider with any questions. A notice posted on a provider's website 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 provider's website provides a clear and conspicuous notice if it (1) 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"; (2) explains how responsible individuals may request a copy of Form 1095-B, Health Coverage (or, for an applicable large employer member that sponsors a self-insured group health plan and makes a return in accordance with Regulations section 1.6055-1(f)(2)(i), explains how non-full-time employees and nonemployees who are enrolled in the plan may request a copy of Form 1095-C, Employer-Provided Health Insurance Offer and Coverage); and (3) includes the provider's email address, mailing address, and telephone number.
- The provider must post the notice on its website by March 3, 2025, and retain the notice in the same location on its website through October 15, 2025.
- The provider must furnish the statement to a requesting responsible individual within 30 days of the date the request is received. To satisfy this requirement, the provider may furnish the statement electronically if the recipient affirmatively consents.

Consent to furnish statement electronically. Except as provided below, a filer is required to obtain affirmative consent to furnish a statement electronically. The requirement to obtain affirmative consent to furnish a statement electronically ensures that statements are sent electronically only to individuals who are able to access them. The consent must relate specifically to receiving Form 1095-B electronically. A recipient may consent on paper or electronically, such as by email. If consent is on paper, the recipient must confirm the consent electronically. A statement may be furnished electronically by email or by informing the recipient how to access the statement on the filer's website. Statements reporting coverage under an expatriate health plan, however, may be furnished electronically unless the recipient has explicitly refused to consent to receive the statement in an electronic format.

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Q: How long do I need to keep records, and what records do I need to retain?

A: With respect to returns which are due after December 31, 2024. Assessable payment of employer shared responsibility.—In the case of any assessable payment under section 4980H, the period for assessment shall expire at the end of the 6-year period beginning on the due date for filing the return under section 6056 (or, if later, the date such return was filed) for the calendar year with respect to which such payment is determined.

The IRS has not provided specific guidance about records that must be kept to prove offers of coverage, some examples of records to retain:

- Records of steps taken to comply with ACA requirements, such as plan participation data and copies of communications with plan participants
- Records of procedures or plan amendments adopted for ACA compliance
- Measurement policies
- Tracking data/proof of regulations applied
- Contracts or agreements with service providers
- Copies of notices provided
- Hours data
- Vendor and/or employer communications showing a qualifying offer of coverage was made, and to whom, (i.e., open enrollment materials for those years and new hire offers)
- Employee waivers of coverage for those years
- Forms 1094-C and Forms 1095-C for all years
- Confirmation of enrollment information from health insurance companies
- Monthly tests and data showing the employer satisfied the 95% test for each month
- Monthly measurement method and look-back measurement hours of service data, including full-time employee reports for each month
- Premium and wage information (to prove affordability)

Q: If a recipient requests a copy, how quickly do I need to respond with the recipient copy?

A: On request of any such individual, you must furnish a copy of such statement to such individual not later than the later of —

- (i) January 31 of the year following the calendar year for which the return under subsection (a) was required to be made, or
- (ii) 30 days after the date of such request.

