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The IRS released final 2019 Form 1094-C, Form 1095-C and applicable instructions. Applicable large employers (“ALEs”) must furnish the Form 1095-C to full-time employees and file Forms 1094-C and all 1095-Cs with the IRS.

What’s New

While the Forms remain substantially the same to last year’s versions, the instructions highlight recent changes as announced in Notice 2019-63:

- **Extension of due date to furnish Form 1095-C.** 2019 Form 1095-C is due to employees by March 2, 2020 (instead of January 31, 2020).
- **Relief for failure to furnish 1095-Cs to certain employees enrolled in self-insured health plan.** The IRS will not impose a penalty for failure to furnish Form 1095-C to any employee enrolled in an ALE member’s self-insured health plan who is not a full-time employee for any month of 2019 if certain conditions are met.
- **Extension of good faith relief for reporting and furnishing.** The IRS will not impose a penalty for incorrect or incomplete information on Form 1095-C, if there is a good faith effort to comply with the information reporting requirements.

For more details on these changes, review our prior piece issued on December 9, 2019 entitled *Deadline Extended for 2019 Forms 1095-C*.

Deadlines

ALEs should begin to prepare for calendar year 2019 reporting. Forms and filings are due as follow:

Deadlines	Comments for Self-Funded Plans Providing Coverage to Individuals Other Than Full-Time Employees
Forms 1095-C due to ACA full-time employees by March 2, 2020 .	ALEs sponsoring a self-funded health plan that provides coverage to individuals who are not full-time employees will either need to provide a Form 1095-C to these individuals by March 2, 2020 or satisfy the requirements of the relief announced in Notice 2019-63 by posting a website notice and upon request, providing the Form 1095-C within 30 days.
Form 1094-C and all corresponding Forms 1095-C must be filed electronically with the IRS by March 31, 2020 ; employers filing fewer than 250 statements may file by paper to the IRS no later than February 28, 2020 .	If a self-funded employer takes advantage of the relief available in Notice 2019-63, the employer must still file the Forms 2019-C with the IRS for individuals who are not full-time employees but were covered by the self-funded health plan in 2019.

Penalties

Failure to furnish a correct Form 1095-C may result in penalties of \$270/Form with an annual calendar year maximum of \$3,339,000. Failure to file correct Forms 1095-C and 1094-C with the IRS may result in penalties of \$270/Form with an annual calendar year maximum of \$3,339,000.

Resources

- 2019 Form 1095-C, <https://www.irs.gov/pub/irs-prior/f1095c--2019.pdf>
- 2019 Form 1094-C, <https://www.irs.gov/pub/irs-prior/f1094c--2019.pdf>
- Instructions to 2019 Form 1094-C and 1095-C, <https://www.irs.gov/pub/irs-prior/i109495c--2019.pdf>