

Request for Comments on Reporting by Applicable Large Employers on Health Insurance Coverage Under Employer-Sponsored Plans

Notice 2012-33

I. PURPOSE

This notice invites comments on reporting under § 6056 of the Internal Revenue Code for applicable large employers (as defined in § 4980H(c)(2)) that are subject to § 4980H. Section 6056 was enacted by § 1514(a) of the Patient Protection and Affordable Care Act, Pub. L. 111-148 (enacted on March 23, 2010), which was amended by the Health Care and Education Reconciliation Act, Pub. L. 111-152 (enacted on March 30, 2010) (collectively, the Affordable Care Act). Section 6056 requires reporting of certain information on employer-provided health care coverage provided on or after January 1, 2014 and the furnishing of related statements to employees. The first information returns will be filed in 2015. The Internal Revenue Service will use the information that employers report under § 6056 to verify employer-sponsored coverage and to administer the shared employer responsibility provisions under § 4980H(a) and (b). See generally Notice 2011-36, 2011-21 IRB 792, and Notice 2011-73, 2011-40 IRB 74.

The Department of the Treasury and the Service intend to propose regulations implementing the reporting requirements of § 6056. The proposed regulations are expected to include guidance intended to minimize administrative burden and duplicative reporting. To assist in the development of the proposed regulations, this

notice invites comments on issues arising under § 6056, including on possible approaches for coordinating and minimizing duplication between the information required to be reported and furnished by employers under § 6056 and information required to be reported and/or furnished by employers or other persons under other applicable Code provisions. For example, § 6056(d) permits the Secretary of the Treasury to provide, to the maximum extent feasible, that any return or statement required under § 6056 may be provided as part of a return or statement under § 6055 (relating to reporting by entities that provide minimum essential coverage) or § 6051 (relating to reporting by employers on the Form W-2, Wage and Tax Statement), and that an applicable large employer offering coverage of an issuer may agree with the issuer to include information under § 6056 with the return and statement required to be provided by the issuer under § 6055.

II. BACKGROUND

A. Reporting to the Service

Section 6056(a), effective for years beginning after December 31, 2013, directs every applicable large employer (within the meaning of § 4980H(c)(2)) that must meet the shared employer responsibility requirements of § 4980H during a calendar year to file a return with the Service that reports the terms and conditions of the health care coverage provided to the employer's full-time employees for the year.

Section 6056(b) generally provides that the return used to satisfy the requirements under § 6056 must:

- Include the name and Employer Identification Number (EIN) of the applicable

large employer;

- Include the date the return is filed;
- Certify whether the applicable large employer offers its full-time employees (and their dependents) the opportunity to enroll in minimum essential coverage under an eligible employer-sponsored plan (as defined in § 5000A(f)(2)) and, if so, certify
 - (1) The duration of any waiting period (as defined in § 6056(b)(2)(C)) with respect to such coverage;
 - (2) The months during the calendar year when coverage under the plan was available;
 - (3) The monthly premium for the lowest cost option in each enrollment category under the plan; and
 - (4) The employer's share of the total allowed costs of benefits provided under the plan.
- Report the number of full-time employees for each month of the calendar year;
- Report, for each full-time employee, the name, address, and taxpayer identification number (TIN) of the employee and the months (if any) during which the full-time employee (or any dependents) were covered under the eligible employer-sponsored plan; and
- Include such other information as may be required by the Secretary of the Treasury.

B. Reporting to Employees

Section 6056(c) provides that, no later than January 31 following the calendar year referred to in § 6056(a) and (b), the applicable large employer will furnish to each full-time employee whose information is required to be reported to the Service under § 6056(b) a written statement that includes:

- The applicable large employer's name and address;
- The applicable large employer's contact information (including a contact phone number);
- The information relating to coverage provided to that employee (and dependents) that is required to be reported on the § 6056 return.

Section 6056(e) generally permits governmental units or any agency or instrumentality thereof to designate a person to comply with the § 6056 reporting on behalf of the governmental unit, agency or instrumentality.

III. REQUEST FOR COMMENTS

Treasury and the Service anticipate proposing regulations under § 6056, and this notice requests comments on issues arising under § 6056 that would be helpful for the regulations to address, including how to coordinate and minimize duplication between the data employers must report under § 6056 and the data they must report under § 6055 (which provides for annual reporting by employers that sponsor self-insured plans) or other applicable Code or Affordable Care Act provisions. See Notice 2012-32, 2012-20 I.R.B. (May 14, 2012).

Comments must be submitted by June 11, 2012. Comments should be submitted to Internal Revenue Service, CC:PA:LPD:RU (Notice 2012-33), Room 5203, PO Box 7604, Ben Franklin Station, Washington, DC 20224. Submissions may also be hand-delivered Monday through Friday between the hours of 8 a.m. and 4 p.m. to the Courier's Desk, 1111 Constitution Avenue, NW, Washington, DC 20224, Attn: CC:PA:LPD:RU (Notice 2012-33), Room 5203. Submissions may also be sent electronically via the internet to the following e-mail address: Notice.Comments@irs.counsel.treas.gov. Include the notice number (Notice 2012-33) in the subject line.

IV. DRAFTING INFORMATION

The principal author of this notice is R. Lisa Mojiri-Azad of the Office of Division Counsel/Associate Chief Counsel (Tax Exempt and Government Entities), though other Treasury Department and Service officials participated in its development. For further information on all other provisions of this notice, contact R. Lisa Mojiri-Azad at (202) 622-6080 (not a toll-free number).