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Health Care Reform Delay in Significant Reporting and Penalties Formalized

Significant Health Care Reform Provisions Formally Postponed until 2015.

The US Treasury Department has now formally postponed until 2015 (i) the employer reporting requirements, (ii) the self-funded plan and insurer reporting requirements, and (iii) the employer shared responsibility penalties under Health Care Reform. By issuing Notice 2013-45 yesterday, the Treasury Department formalized the postponement of these requirements, which was informally announced last week.

What the Postponement Means and Does Not Mean.

- **Reporting Postponed.** In Notice 2013-45, the Treasury Department explains that proposed regulations regarding employer, insurer and other reporting entity requirements are expected to be issued this summer. Once issued, employers, insurers and other reporting entities may choose to voluntarily comply with the reporting requirements for 2014. While the Treasury Department encourages these entities to work on their reporting systems and begin reporting in 2014 based on the proposed regulations "in preparation for the full application of the provisions for 2015", no penalties will be imposed if an employer, insurer or other reporting entity chooses not to do so.
- **Employer Shared Responsibility Postponed.** The Notice also confirms that no employer shared responsibility penalties will be assessed for 2014. The Treasury Department explains that, without the reporting, the Internal Revenue Service will not have sufficient information to assess these penalties, so they are necessarily postponed until 2015.
- **All Other Provisions of Health Care Reform Will Be Effective as Originally Scheduled.** The Treasury Department clarifies that none of the other provisions of Health Care Reform have been delayed. In other words, all of the other Health Care Reform plan design, reporting, and fee requirements continue to apply, including, for example only:
 - PCORI Fee,
 - Exchange Notice Requirement,
 - Form W-2 Reporting,

- Elimination of Pre-Existing Condition Exclusions,
- 90-day Waiting Period Limitation,
- Transitional Reinsurance Fee, and
- Summary of Benefits and Coverage.

Contact Information. For more information on this subject, please contact Amy Heppner (404.888.8825), Don Mazursky (404.888.8840), Kelly Meyers (404.888.8838) or Carl Lammers (404.888.8872).

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