



Department of Civil Service

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PE 20-30
PA 20-25
PAEX 20-22

TO: Health Benefits Administrators of NYSHIP Participating Agencies and Participating Employers
FROM: Employee Benefits Division
SUBJECT: Reporting for Plan Year 2020 Under the Patient Protection and Affordable Care Act
DATE: December 28, 2020

Beginning with the 2019 tax year, the provision of the Patient Protection and Affordable Care Act (PPACA) known as the Individual Shared Responsibility Payment (sometimes called the “penalty” or “individual mandate”) no longer applies. However, to comply with PPACA, applicable employers are still required to send Internal Revenue Service (IRS) Tax Form 1095-B or 1095-C to all full-time employees. This includes applicable enrollees covered under The Empire Plan, the Excelsior Plan, or any NYSHIP Health Maintenance Organization (HMO). However, due to IRS Notice 2020-76, applicable employers have the option to not send these Forms to NYSHIP enrollees who are not full-time employees. This is an option as long as the PA or PE posts a notice prominently on its website that provides an e-mail address and a physical address for affected individuals to request a copy, and provides a copy of the Form to any applicable enrollee who requests one within 30 days of the request.

These reporting requirements are the responsibility of NYSHIP employers, not the State of New York. In addition, each employer, not the State, is responsible for identifying the individuals who should receive a 1095-B or 1095-C IRS Tax Form and is responsible for reporting the required information to the IRS. The Employee Benefits Division recommends employers subject to these provisions begin to act now, as the required forms for tax year 2020 must be provided to applicable employees and enrollees no later than March 2, 2021. NYSHIP employers must also submit PPACA data to the IRS by March 1, 2021 if filing on paper or March 31, 2021 if filing electronically.

Based on IRS guidance, most large employers will use Forms 1094-C and 1095-C to fulfill the reporting requirements and small employers in self-insured plans, including The Empire Plan and the Excelsior Plan, will likely use Forms 1094-B and 1095-B to fulfill these reporting requirements. To complete these forms accurately, employers should use the NYSHIP Agency Reconciliation Report available through NYBEAS, which includes enrollee and dependent names, Social Security numbers, and periods of

coverage. For instructions on how to generate this report please review HBA Memo PE11-08/ PA11-08/ PAEX11-05.