

State Health Coverage Reporting Requirements for Calendar Year 2023

Five states (California, Massachusetts, New Jersey, Rhode Island, and Vermont) and the District of Columbia have already enacted individual health insurance mandates with their own requirements for:

- Furnishing information regarding health insurance coverage to residents of the state, and
- Filing that information with certain state agencies.

These requirements and deadlines may (or may not) align with the federal requirements. As described below, satisfying the federal requirements may not satisfy the applicable state obligations. It is important to ensure both federal and state requirements (as applicable) are met.

The following chart summarizes important deadlines related to 2023 state individual mandate reporting.

| State | Deadline to Furnish Statements to Employee Residents | Deadline to File Statements with State Agency |
|----------------------|---|---|
| California | January 31, 2024. However, no penalty is imposed for failing to furnish by this deadline. | March 31, 2024. No penalties will be assessed if filed by May 31, 2024. |
| District of Columbia | March 1, 2024 | April 30, 2024 (30 days after federal deadline) |
| Massachusetts | January 31, 2024 | January 31, 2024 |
| New Jersey | March 1, 2024 | April 2, 2024 |
| Rhode Island | March 1, 2024 | April 1, 2024 |
| Vermont | N/A | N/A |

It should be noted that the state reporting deadlines are subject to change if the states update their reporting information. This information is current as of the date of publication.

Important issues to consider regarding furnishing and filing state-level health coverage information are as follows:

- **State residents** — Employers with employees and other covered individuals residing in states with health coverage mandates should ensure the state-level health insurance distribution and state-level filing requirements are satisfied. Penalties may arise for late or incorrect filings with the state.
- **Forms**
 - California, the District of Columbia, New Jersey, and Rhode Island use the federal Forms 1094/1095 (B, C) for the state's individual mandate reporting requirements.
 - Massachusetts requires MA Form 1099-HC to be furnished to Massachusetts residents and filed with the state by January 31. In addition, Massachusetts requires employers with at least 6 employees residing in Massachusetts to file the Health Insurance Responsibility Disclosure ("HIRD") form.
- **Employers with fully insured plans**
 - Carriers issuing policies in California, Massachusetts, New Jersey, and Rhode Island are generally obligated to issue health coverage statements to plan members residing in the respective state and to file the required health coverage information to that state agency.
 - The District of Columbia requires employers that sponsor a fully insured group health plan with at least 50 full-time employees, including at least one employee who is a resident of the District, to file information returns with the Office of Tax and Revenue ("OTR").
 - It should be noted that a carrier may not automatically furnish a member statement and file with a state agency for plan members residing outside of the policy issue/situs state.
- **Employers with fully insured plans issued out-of-state** — Employers should confirm that the carrier will adhere to the required state distribution and filing obligations for plan members that reside in a state with individual mandate reporting obligations.
- **Employers with self-funded plans** — Employers should confirm with their third-party administrator ("TPA") or ACA form preparation vendor that the required state distribution and filing obligations for plan members that reside in a state with an individual mandate will be satisfied and whether any additional fees will be assessed.

For employers with fully insured plans that are written outside of a state with an individual mandate or a self-funded health plan, if the carrier or TPA will not furnish or file the forms with state residents or the applicable state agency, the employer may be required furnish and/or file. This may require involvement with your payroll provider or other ACA reporting vendor to coordinate.

■ Employer Action

Employers with employees and/or plan members residing in a state (and/or the District of Columbia) with individual mandate reporting requirements should confirm state reporting requirements with their carrier, TPA or ACA vendor to ensure federal as well as state-level reporting obligations will be met.