

ACA Provisions: Eliminations, Delays, & Extensions Chart



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Delays, shifting deadlines, and even the elimination of certain provisions of the Affordable Care Act (ACA) are providing employers and group health plans additional time to comply with certain key requirements that have not yet taken effect. For 2016, the following eliminations, delays, and extensions apply.

Please Note: This information is for general reference purposes only and is not all-inclusive. Requirements and compliance deadlines are subject to change. Additionally, your company or group health plan may be exempt from certain requirements described below. Employers with questions are advised to contact a knowledgeable employment law attorney or benefits advisor to obtain specific guidance.

ELIMINATIONS

ELIMINATED: Automatic Enrollment Provisions

Provisions of the ACA which generally would have required an employer with **more than 200 full-time employees** to automatically enroll new full-time employees in one of the employer's health plans, and to continue the enrollment of current employees, [were repealed](#) on November 2, 2015.

ELIMINATED: Annual Deductible Limits

The ACA's annual limitation on deductibles for non-grandfathered plans in the small group market has [been eliminated](#), effective retroactively to 2010. However, the annual limitation on out-of-pocket expenses for non-grandfathered group plans **was not eliminated and remains in effect**.

DELAYS

DELAYED UNTIL 2020: Cadillac Tax

Implementation of the so-called “cadillac tax,” an excise tax on high-cost employer-sponsored health coverage, [has been delayed](#) until taxable years beginning after December 31, 2019.

DELAYED UNTIL FURTHER NOTICE: Nondiscrimination Rules For Fully-Insured Plans

Non-grandfathered fully-insured group health plans are [not required to comply](#) with certain rules prohibiting discrimination in favor of highly compensated individuals that are currently applicable to self-insured plans, **until after regulations or other administrative guidance is issued**. However, health benefits offered as part of a cafeteria plan (a plan which meets specific requirements to allow employees to receive certain benefits on a pre-tax basis) generally remain subject to the nondiscrimination requirements of Internal Revenue Code [section 125](#).

DELAYED UNTIL FURTHER NOTICE: Form W-2 Reporting For Small Employers

The IRS has granted employers filing **fewer than 250 Forms W-2** for the preceding calendar year [transition relief](#) from reporting the cost of coverage under an employer-sponsored group health plan on each employee’s Form W-2 **until the agency publishes additional guidance**.

EXTENSIONS

EXTENSION: 2015 Information Reporting Deadlines

The IRS [extended the ACA information reporting due dates](#) for calendar year 2015 returns and statements (that are filed and furnished in 2016) as follows:

- The deadline for furnishing the 2015 Forms 1095-B and 1095-C to employees/responsible individuals was extended **from February 1, 2016, to March 31, 2016**; and
- The deadline for filing the 2015 Forms 1094-B, 1095-B, 1094-C, and 1095-C with the IRS was extended from **February 29, 2016, to May 31, 2016 (if not filing electronically) and from March 31, 2016, to June 30, 2016 (if filing electronically)**.

These extensions have **no effect** on the deadlines for future years. As a reminder, the deadlines apply to all [applicable large employers](#) (ALEs)—generally those with **50 or more full-time employees**, including full-time equivalents—as well as to **small self-insured employers that are not considered ALEs**.

EXTENSION: 2015 Information Reporting Corrections

As a result of the information reporting deadline extensions, the deadlines for employers to correct errors and receive reduced penalties for incorrect or incomplete information reported on 2015 returns or statements have also been extended, as follows:

- **ALEs** must correct statements furnished to employees by **October 1, 2016** and must correct both paper and electronic returns filed with the IRS by **November 1, 2016**.
- **Small self-insured employers that are not considered ALEs** must correct statements furnished to individuals by **April 30, 2016**, paper returns filed with the IRS by **June 30, 2016**, and returns filed with the IRS electronically by **July 30, 2016**.

Note: In general, the IRS will not impose penalties for 2015 returns and statements filed and furnished in 2016 on reporting entities that can show that they have made **good faith efforts** to comply.

EXTENSIONS (CONT'D)

EXTENSION: Transitional Policy For Existing Small Business Coverage

A [previously extended transitional policy](#) which allows health insurance issuers, *at their option*, to continue small business group coverage that would otherwise be terminated or cancelled [has been extended further](#)—**to policy years beginning on or before October 1, 2017, provided that all policies end by December 31, 2017**. Health insurance issuers that renew coverage under the extended policy are required to provide standard notices to affected small businesses for each policy year.

Policies subject to the transitional relief **will not be considered to be out of compliance with some of the ACA's key provisions**, including:

- The requirement to cover essential health benefits;
- The requirement that any variations in premiums be limited with regard to a particular plan or coverage to age and tobacco use, family size, and geography; and
- The requirements regarding guaranteed availability and renewability of coverage for employers.

EXTENSION: "Pay Or Play" Transition Relief For 2015 Non-Calendar Year Plans

Under previously granted [transition relief](#), compliance with the "pay or play" requirements was delayed until 2015 for applicable large employers (ALEs) with **50 to 99 full-time employees** (including full-time equivalents) that certified that they met certain eligibility criteria. **For ALEs with non-calendar year health plans, this transition relief (as well as the [transition relief regarding offers of coverage to dependents](#)) extends to any calendar month during the 2015 plan year that falls in 2016.**

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