

Publications

January 28, 2025 • Updates

Complying with the ACA Disclosure Requirements Just Got a Whole Lot Easier!

New legislation liberalizing certain disclosure requirements under the Affordable Care Act (“ACA”) was passed at the end of 2024.

Effective for 2024 reporting, mailing a paper copy of Forms 1095-C/1095-B is no longer required if the employer timely provides employees with proper notice by January 31, 2025.

Under the ACA, Applicable Large Employers (ALEs) are required to provide minimum essential health care coverage to at least 95% of their full-time employees that meets “minimum value” and “affordability” standards, or potentially pay a penalty to the Internal Revenue Service (“IRS”) under the ACA’s employer shared responsibility provisions. In connection with this requirement, health insurers and ALEs are required to provide full-time employees and employees with health care coverage with an annual IRS Form 1095-C/1095-B that discloses the coverage.

ALEs are no longer required to do a mass mailing of these forms to their employees if the employer meets certain notice requirements. If an employer posts a clear, conspicuous and accessible notice informing employees that any individual to whom Form 1095-C/1095-B would otherwise be required to be provided may request a copy of the applicable forms, a broad mailing to all employees is not required. There has not been subsequent guidance on what will qualify as “clear, conspicuous and accessible,” so for purposes of complying with the notice condition this year, employers are left to make a good-faith and reasonable interpretation of the standards.

- **Deadline - January 31:** The notice must be posted no later than January 31 following the year of the reporting. For the 2024-year reporting, the notice must be posted by Friday, January 31, 2025.
- **Responding to Requests:** Upon request, employers must provide the requested IRS Form 1095-C/1095-B to the employee by *the later of* January 31 or 30 days after receiving the employee’s request.

Employers still need to complete and file Forms 1095-C and 1094-C with the IRS. If filed

Related People

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Related Capabilities

- Employee Benefits & Executive Compensation

electronically, the forms are due no later than March 31, 2025; if filed in paper form, the forms are due no later than February 28, 2025.

Next Steps for Employers:

1. If an employer wishes to take advantage of this reprieve, the employer should prepare and conspicuously post an accessible notice to employees informing them of their right to request a Form 1095-C/1095-B. The notice must be posted by January 31, 2025.
2. Employers should adopt a process for managing employee requests for forms.
3. Employers should continue to prepare and submit required ACA forms with the IRS.

If you need assistance in drafting the notice or have other questions about ACA reporting requirements, contact our Employee Benefits and Executive Compensation team. For more information, please see The Paperwork Burden Reduction Act (HR 3797).