

# Failure to File and Reconcile 2014 APTC: Overview for Assisters



October 2015

# Failure to File and Reconcile: Overview

- NEW: For the first time, beginning with Open Enrollment 2016, the Federally-facilitated Marketplace ("Marketplace") will discontinue APTC/CSR for 2016 coverage for those received APTC in 2014 but did not comply with the requirement to file an income tax return and reconcile APTC.
- According to Marketplace regulations, Marketplaces must discontinue APTC and CSRs for tax filers who received APTC but did not comply with the requirement to file an income tax return and reconcile APTC for 2014 (155.305(f)(4)).
- This presentation provides an overview of how the Federallyfacilitated Marketplace will assist consumers with the requirement. State-based Marketplaces may choose to implement different processes.



# Refresher: What Does it Mean to "Reconcile APTC"?

Enrollees who received advance payments
 of the premium tax credit (APTC) are
 required to file an income tax return
 including the IRS Form 8962 to reconcile the
 amount of advance payments of the
 premium tax credit (based on projected
 household income) with the final premium
 tax credit the enrollee is eligible for (based
 on actual household income for the year
 during which they received APTC).

Form 1095-A  Department of the Treasury Internal Revenue Service	Health Insurance Marke  ► Information about Form 1095-A and its s is at www.irs.gov/form1095a.	RRECTED	20 <b>14</b>			
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7 Recipient's spouse's name		8 Recipient's spouse's SSN	9 Recipient's spouse's date of bir			
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# Refresher: Open Enrollment and Annual Redetermination

### The Marketplace must redetermine a consumer's eligibility for Marketplace coverage and financial assistance on an annual basis

- Consumers are encouraged to return to the Marketplace during Open Enrollment to update their application and receive an updated eligibility determination.
- Consumers who do not come back to the Marketplace and select a plan during Open Enrollment generally are automatically reenrolled into the same qualified health plan (QHP), when possible, or if not, into a similar QHP.
- For consumers who are auto re-enrolled, the amount of financial assistance they are eligible for will be calculated using the most recent information available to the Marketplace.



# Failure to File and Reconcile: IRS and Tax Filing Information

### The Marketplace relies on IRS for information on whether a tax filer has filed and reconciled APTC for 2014

- Marketplaces may use this information from IRS for a tax filer in any of the following situations:
  - New applications for 2016
  - Updated applications for 2016
  - Auto re-enrolled applications for 2016
- When the Marketplace requests updated income information from IRS for 2016 coverage, the Marketplace will receive a notification if a tax filer who applied APTC failed to file a tax return for 2014.
- It takes the IRS 3 to 10 weeks to process a tax return, depending on how it is filed (paper vs. electronic) and information shared with the Marketplace is updated monthly.



# Failure to File and Reconcile: Consumer Notices

Notices will be sent to consumers in advance of Open Enrollment warning them about the possible impact of not filing and reconciling APTC

#### **IRS letters:**

- The IRS mailed reminder letters in July to consumers who had received APTC in 2014 but had not yet filed a 2014 tax return.
- Reminders were also sent to consumers who filed an extension to encourage them to file ASAP

#### **Marketplace Open Enrollment Notices:**

- Enrollees who received APTC in 2014 and whose tax return is not filed and processed by the time the Marketplace requests data from the IRS will receive a Marketplace Open Enrollment Notice (MOEN) with language explaining their risk for losing APTC for 2016.
- The notice will not tell the consumer why they may lose APTC in 2016, because information about whether someone filed a tax return is protected federal tax information.
- Instead the notice message will be combined with other possible reasons for losing APTC starting January 1, 2016. Consumers affected by any one of these reasons will get the same notice. These reasons will include:
  - 1. Not authorizing the Marketplace to request updated tax information;
  - 2. Failure to file a tax return; or
  - 3. Updated tax information indicates household income is too high to receive APTC



## Failure to File and Reconcile: Consumer Experience during Open Enrollment

During Open Enrollment, enrolled consumers can avoid losing APTC for 2016 after they file and reconcile their APTC for 2014

- 1) Return to the application to let the Marketplace know they filed and reconciled
  - Starting on November 1, 2015, after filing their 2014 tax return and reconciling APTC, enrollees can return to the Marketplace, create a 2016 application and attest on the application that they have filed a 2014 tax return. Enrollees should continue through to confirm enrollment after submitting the application. This will ensure the enrollee is eligible to receive APTC for 2016.
- 2) If they do not return to the application, the Marketplace will re-check IRS data in December
  - In mid-December, the Marketplace will recheck IRS data for all enrollees who
    did not return to the Marketplace and at the beginning of Open Enrollment,
    were initially flagged by IRS as not having filed a tax return reconciling APTC.
  - Consumers will be auto re-enrolled in coverage for January with APTC if they
    either attested to having filed and reconciled OR the December re-check of IRS
    data indicated they had filed and reconciled.



# Failure to File and Reconcile: Attestation Question

Starting November 1, 2015, the Marketplace application will include a new tax filing-related question.

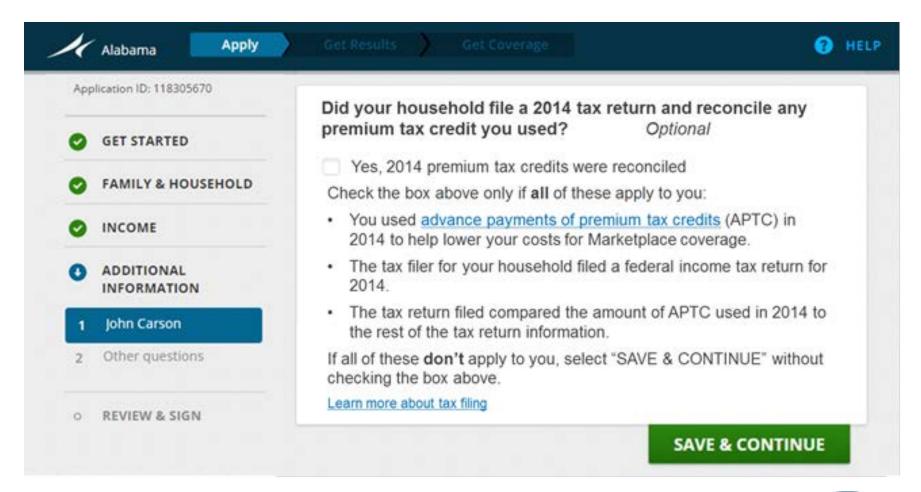
This question will display on all 2016 applications and allow enrollees who received APTC for 2014 to attest, <u>under penalty of perjury</u>, to having filed a 2014 tax return and reconciled APTC.

- After filing and reconciling 2014 APTC, attesting to having filed a tax return on the application will allow the enrollee to maintain eligibility for APTC even if IRS' data has not yet been updated.
- Enrollees who filed a 2014 tax return and reconciled APTC must attest to having filed and reconciled on the application and select a plan by <u>December 15, 2015</u>, in order to maintain APTC eligibility for coverage effective January 1, 2016.

As discussed earlier, if consumers do not return to the application to attest to having filed a 2014 tax return and reconciling APTC, the Marketplace will recheck IRS data in December and the consumer will be auto-reenrolled with APTC if the IRS data indicates that the consumer did file and reconcile.



### FTR Attestation Question





## What if APTC ends because the tax filer didn't file and reconcile in time?

Enrollees whose APTC is discontinued beginning January 1, 2016 due to failure to file and reconcile can still take action to restore their APTC.

- After filing and reconciling, an enrollee may return to the Marketplace application, report a life change, attest to filing and reconciling, receive a new eligibility determination, select a plan, and receive APTC prospectively.
  - If the enrollee completes these steps between Dec 16th and Jan 15th,
     APTC will begin February 1st
  - If the enrollee completes the steps above between Jan 16th and Jan 31st, APTC will begin March 1st
  - After Open Enrollment, enrollees cannot change plans unless they qualify for a special enrollment period; however, they can follow the steps above to regain APTC eligibility following the 15th of the month coverage effective date rules



#### What Assisters Can Do Now

#### Assisters can take steps now when working with enrollees

- Encourage enrollees who received APTC in 2014 to file their 2014 federal income
  taxes and reconcile their APTC <u>as soon as possible</u>, even if they missed the filing
  deadline or they are within their filing extension deadline.
  - Remind enrollees that even if they usually don't have to file an income tax return, if they received
     APTC in 2014 they need to file a tax return.
  - Consumers can file an amended return, so they may want to file now to ensure they continue to receive APTC, even if they think they may need to make changes in the future.
- Help enrollees who haven't filed their taxes yet understand what steps to take, including helping them access their Forms 1095-A and report any errors.
  - Enrollees can log in to their respective Marketplace accounts to view or download their Form 1095-A (see screenshots in the following slides).
  - CMS is processing 2014 Form 1095-A correction and reprint requests on an ongoing basis. If an enrollee recently requested a corrected or reprinted 1095-A for 2014, he or she should receive a response from CMS within a couple of weeks. Once an enrollee receives his or her corrected Form 1095-A, the enrollee should keep a copy in case IRS has follow-up questions regarding his or her corrected form.

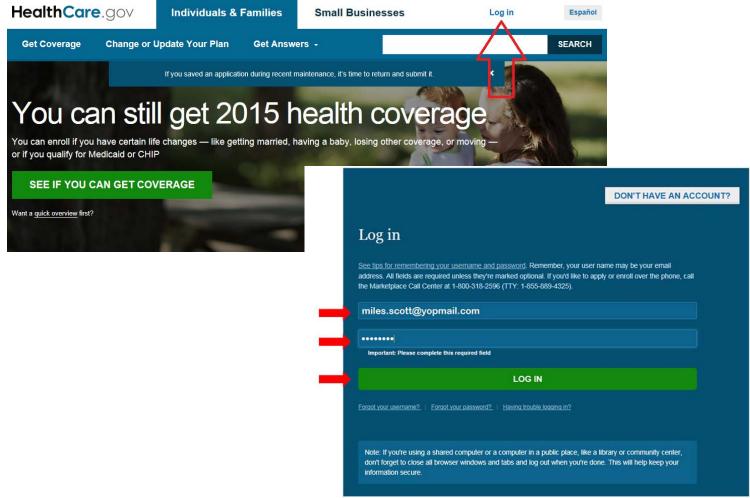
### What Assisters Can Do Now (cont'd)

How to help enrollees who are unsure whether they are at risk for losing APTC because they did not file a tax return and reconcile their 2014 APTC.

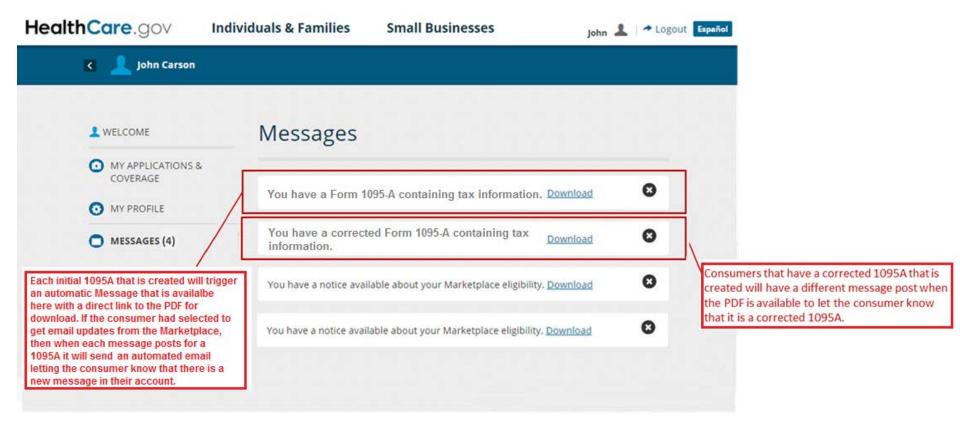
- Encourage enrollees to check with the tax filer in their household if a 2014 tax return was filed.
- Encourage the enrollee to have the household tax filer use Interactive Tax Assistant at <a href="http://www.irs.gov/uac/Interactive-Tax-Assistant-(ITA)-1">http://www.irs.gov/uac/Interactive-Tax-Assistant-(ITA)-1</a> or call the IRS call center at 1-800-829-1040.
- Note that in order to protect federal tax information, the Marketplace Call Center will not be able to tell consumers whether they are at risk for losing APTC because they failed to file and reconcile.
- Encourage all enrollees to return to the Marketplace during Open Enrollment
- Providing updated household information, obtaining an updated eligibility determination, and browsing available plans may help enrollees find the best options for their families.
- Enrollees who have filed their 2014 tax returns can attest to having done so and keep their APTC for 2016.



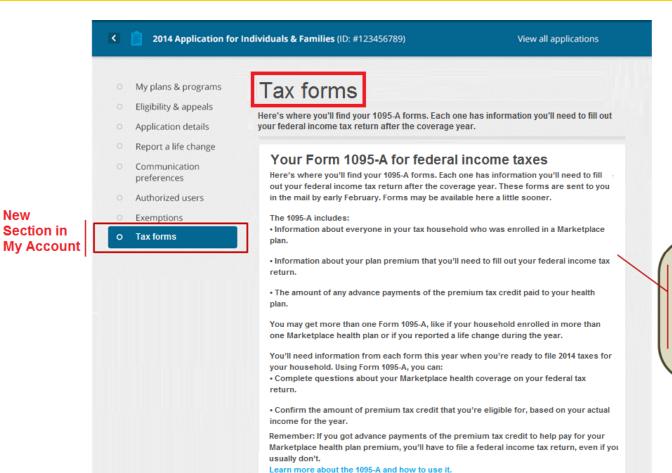
### Log In to "My Account"



### My Account 1095-A Messages



### My Account 2014 Coverage



New

Section in

Previous Coverage Year (2014): Instructional text to help the consumer understand what the 1095A is, when it'll be received, what they need to do and how to get help with next steps for the 2014 filing process.



### My Account Form 1095-A Download

New Section in My Account



Dynamic: Statement is displayed when one or more corrected 1095A forms are posted to the account.

Dynamic Table: Table is displayed once there is one 1095A available to the consumer.

If no 1095As have been generated and posted to the consumer's application / account then the table is not visible on the Tax Forms section.

Static: Help information below the table on what to do if the information is not correct Remember: If you got advance payments of the premium tax credit to help pay for your Marketplace health plan premium, you'll have to file a federal income tax return, even if you usually don't.

Learn more about the 1095-A and how to use it.

You have at least one corrected Form 1095-A. If you have 2 versions of the same form, use the corrected form, which has the most recent date.

Name	Plan Name	Date Posted	Action
John, Jane, Marianne, Billyjoe, Sarahbeth	Blue Cross and Blue Shield of Illinois Blue Choice Bronze PPO™ 006	06/11/2014	Download
	Coverage dates 03/31/2014 - 12/31/2014		
Mary	IlliniCare Health Ambetter Essential Care 1 Sinai Health Select Network	02/18/2014	Download
	Coverage dates 01/01/2014 - 03/31/2014		
John, Jane, Marianne	Blue Cross and Blue Shield of Illinois Blue Precision Gold HMO™ 001	01/14/2014	Download
	Coverage dates 01/01/2014 - 03/31/2014		



### Open Enrollment 2016: Key Dates

- July: IRS reminders sent to enrollees who received 2014 APTC and had not filed a 2014 tax return
- October: FFM runs offline income verification (OIV) process and will receive data on consumers who have the Failure to File and Reconcile (FTR) indicator
- October: FFM will begin sending Marketplace Open Enrollment Notices (MOEN) to all consumers currently enrolled in 2015 coverage
- November 1: 2016 Open Enrollment begins; new tax filing attestation question appears on application
- **December 15**: Last day to select plan for January 1 coverage
- December: Second check of IRS data to determine whether consumers have filed and reconciled
- January 31: 2016 Open Enrollment closes



#### Resources

- Guidance on Annual Eligibility Redeterminations and Re-enrollments for Marketplace Coverage for 2016: <a href="http://www.cms.gov/CCIIO/Resources/Regulations-and-Guidance/Downloads/annual-redeterminations-for-coverage-42215.pdf">http://www.cms.gov/CCIIO/Resources/Regulations-and-Guidance/Downloads/annual-redeterminations-for-coverage-42215.pdf</a>
- Guidance on Federal Standard Notices of Product Discontinuation and Renewal in Connection with the Open Enrollment Period for the 2016 Coverage Year: <a href="https://www.cms.gov/CCIIO/Resources/Regulations-and-Guidance-on-Notices-of-Product-Discontinuation-and-Renewal-for-the-2016-Coverage-Year.pdf">https://www.cms.gov/CCIIO/Resources/Regulations-and-Guidance-on-Notices-of-Product-Discontinuation-and-Renewal-for-the-2016-Coverage-Year.pdf</a>
- IRS, Understanding Your Letters:
- <a href="http://www.irs.gov/Individuals/Understanding-Your-Letter-5591">http://www.irs.gov/Individuals/Understanding-Your-Letter-5591</a>
- <a href="http://www.irs.gov/Individuals/Understanding-Your-Letter-5596">http://www.irs.gov/Individuals/Understanding-Your-Letter-5596</a>
- <a href="http://www.irs.gov/Individuals/Understanding-Your-Letter-5591A">http://www.irs.gov/Individuals/Understanding-Your-Letter-5591A</a>
- IRS, Letter with preliminary results from the 2015 filing season related to Affordable
   Care Act provisions <a href="http://www.irs.gov/pub/irs-utl/CommissionerLetterlwithcharts.pdf">http://www.irs.gov/pub/irs-utl/CommissionerLetterlwithcharts.pdf</a>

