

Fact Sheet: Spring 2016 Employer Notices

The Affordable Care Act and implementing regulations require each Health Insurance Marketplace to notify any employer whose employee enrolled in a Qualified Health Plan (QHP) with advance premium tax credits (APTC) and cost sharing reductions (CSRs) because the employee attested that he or she was neither enrolled in employer sponsored coverage nor eligible for employer coverage that is affordable and meets the minimum value standard. Starting in 2016, the Federally-facilitated Marketplace (FFM) will notify certain employers whose employees received APTC for at least one month in 2016 and if the FFM has an address for the employer. For more information, see <https://www.cms.gov/CCIIO/Resources/Fact-Sheets-and-FAQs/Downloads/Employer-Notice-FAQ-9-18-15.pdf>.

The FFM sent approximately 470,000 notices in June 2016. Each notice informs one employer that one of their employees enrolled in a QHP with APTC and CSRs. Because an employer can have multiple employees who enrolled in a QHP with APTC and CSRs, fewer than 470,000 unique employers will receive a notice. Similarly, because an employee can have multiple employers, fewer than 470,000 employees will be impacted by these notices.

In response to an employer notice, an employer may appeal the Marketplace's determination that the employer does not offer affordable employer-sponsored coverage that meets the minimum value standard to the employee. An employer has 90 days from the date of the notice to file an appeal.¹ An employer can find more information about the employer appeal process and download an appeal form online at HealthCare.gov/marketplace-appeals/employer-appeals. Appeal forms may be sent by mail or fax to the address and fax number provided on the employer notice.

An employee will not be notified when an employer notice is sent to his or her employer. However, an employee will be notified if his or her employer files a valid appeal. This notice will include an explanation of the appeals process, instructions for submitting additional evidence for consideration by the appeals entity, and an explanation of the potential effect of the employer's appeal on the employee's eligibility.

Employers can visit HealthCare.gov/marketplace-appeals/employer-appeals or go.cms.gov/CCIIOEmployers for more information on employer notices and appeals. They can also call the Affordable Care Act Employer hotline at 1-800-706-7893 (TTY: 711), open Monday through Friday 9 am – 7 pm ET.

For questions on IRS requirements for employers and the employer shared responsibility payment, employers should visit <https://www.irs.gov/affordable-care-act> or <https://www.irs.gov/affordable-care-act/employers/employer-shared-responsibility-provisions>.

¹ For notices dated June 21, 2016, the Marketplace Appeals Center will consider the timeliness of appeal requests on the basis of the actual mailing date of June 27, 2016, not the date that appears on the employer notice.