

1094/1095 Filing Update



Are Any of Your Clients Level- or Self-Funded?

Under the IRS guidelines, it is the **employer's responsibility to file Forms 1094 and 1095 with the IRS.**

- **For small employers** that are level- or self-funded (and are not an Applicable Large Employer), the 1094-B and 1095-B forms must be completed and filed.
- **For Applicable Large Employers (ALEs)**, the 1094-C and 1095-C forms must be completed and filed, whether fully insured, or level- or self-funded.

Employers Must:

- Under a law change in late 2024, employers may send a notice to employees that the IRS 1095 form may be sent upon the employees request. Provided the employer sends out the notice, the employer is not required to distribute the forms. Upon the employees request, employers have until the later of January 31st of the year following the reporting time period, or if later, 30 days after the date of the request. Employers may still distribute forms, but if doing so, they must be done by March 3, 2025.
- File the appropriate 1094 and 1095s electronically with the IRS. For calendar year 2024, Forms 1094-C and 1095-C are required to be filed by February 28, 2025 or by March 31, 2025 if filing electronically.
- Some states also have filing requirements! This is an employer's responsibility. If there are employees residing in CA, MA, NJ, RI, VT, or DC, the employer must electronically file the appropriate forms with each state. The federal law change listed above does not change the requirements under state laws to distribute the 1095 forms to employees.
 - Need help finding a vendor to file electronically? Contact Chris Cooley at sales@myhrconcierge.com.

Employers must know if they are an Applicable Large Employer:

- Level- and self-funding carriers and/or administrators do not count ineligible employees (such as part-time, temporary, those in a look-back period, etc).
- It is imperative that the employer is advised to make sure they are using the correct set of forms for filing to avoid IRS penalties.
- Not sure if the group is an ALE? Follow the steps in this [GUIDE](#).

Some carriers or administrators may assist with the “-B” set of filings; however, the IRS places the responsibility and any non-filing penalties on the employer.

- Remember — if an employer is an ALE, the “-C” set of forms must be filed by the employer! No carrier or administrator will file this set of forms on behalf of the employer since they do not have the necessary required information.
- It is the employer's responsibility to ensure the correct forms are being filed.



Do not assume the Carrier or Administrator is filing with the IRS just because they may prepare the 1095-B forms!

The information contained in this brief should not be construed as legal or tax advice in any way. It is recommended that you seek the advice of your own tax, accounting and legal advisors regarding compliance with all applicable laws.

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