



STATE OF CALIFORNIA
Franchise Tax Board

FTB Publication **3895B**

2021 California Instructions for Filing Federal Forms 1094-B and 1095-B



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References in these instructions are to the Internal Revenue Code (IRC) as of **January 1, 2015**, and to the California Revenue and Taxation Code (R&TC).

General Information

Minimum Essential Coverage Individual Mandate –

For taxable years beginning on or after January 1, 2020, California law requires residents and their dependents to obtain and maintain minimum essential coverage (MEC), also referred to as qualifying health care coverage. Individuals who fail to maintain qualifying health care coverage for any month during the taxable year will be subject to a penalty unless they qualify for an exemption. For more information, get the following health care forms, instructions, and publications:

- Form FTB 3849, Premium Assistance Subsidy
- Form FTB 3853, Health Coverage Exemptions and Individual Shared Responsibility Penalty
- Form FTB 3895, California Health Insurance Marketplace Statement
- Publication 3849A, Premium Assistance Subsidy (PAS)
- Publication 3895B, California Instructions for Filing Federal Forms 1094-B and 1095-B
- Publication 3895C, California Instructions for Filing Federal Forms 1094-C and 1095-C

Purpose

This publication provides instructions for filing federal Forms 1094-B, Transmittal of Health Coverage Information Returns, and 1095-B, Health Coverage, with the Franchise Tax Board (FTB) for California purposes.

Federal Form 1095-B is used to report certain information required under Internal Revenue Code Section 6055 to the Internal Revenue Service (IRS), the FTB, and the taxpayers about individuals who are covered by MEC.

MEC includes government-sponsored programs, eligible employer-sponsored plans, individual market plans, and other coverage the California Department of Managed Health Care (DMHC) designates as MEC. For more information, see Eligible Employer-Sponsored Plans, Government-Sponsored Programs, and Coverage Designated as MEC.

Filers will use federal Form 1094-B to submit federal Forms 1095-B. The same federal Forms 1094-B and 1095-B the filer submits to the IRS can be provided to the FTB under California Revenue and Taxation Code (R&TC) Section 61005.

Who Must File

All applicable entities that provide MEC to an individual during a calendar year must file an information return reporting the coverage.

Health insurance issuers and carriers – Health insurance issuers and carriers must file federal Form 1095-B for most health insurance coverage, including individual market coverage, insured coverage sponsored by employers, and catastrophic health plans.

Employers – Employers must file federal Form 1095-B to report employment-based MEC for employees. **Note:** ~~When an insurer files federal Form 1095-B with the FTB reporting health coverage for employees, the employer offering the health coverage is not required to report to the FTB.~~

→ **Government entities** – Government entities providing MEC under a state program such as Children's Health Insurance Program (CHIP), Medicaid, Medicare, or Medi-Cal must file federal Form 1095-B to report coverage. Covered California must file form FTB 3895 to report coverage provided through the California health insurance marketplace (Marketplace). The term "Marketplace" refers to the California state marketplace, also known as Covered California.

Other providers of MEC – Other providers of MEC, such as the University of California (with respect to coverage under a student health insurance program) and other plan sponsors (such as employers not subject to the federal shared responsibility provision and sponsors of multiemployer plans), must file federal Form 1095-B to report coverage.

All applicable entities have the option to contract with third-party service providers, including insurance carriers, to provide the returns and statements required by R&TC Section 61005.

Eligible Employer-Sponsored Plans

Eligible employer-sponsored plans are MEC and include:

- A group health plan offered in connection with employment to an employee or related individuals, including a governmental plan within the meaning of Section 2791(d)(8) of the federal Public Health Service Act (42 U.S.C. Sec. 201 et seq.).
- Any other plan, group health care service plan contract, or group health insurance policy offered in the small or large group market within the state.



Government-Sponsored Programs

The following government-sponsored programs are MEC:

1. Medicare program under Part A or Part C of Title XVIII of the federal Social Security Act.
 2. Full scope coverage under the Medi-Cal program, including the Medi-Cal Access Program and Medi-Cal for Pregnant Women, and other full scope health coverage programs administered and determined to be MEC by the California Department of Health Care Services (DHCS).
 3. The Medicaid program under Title XIX of the federal Social Security Act.
 4. The CHIP under Title XXI of the federal Social Security Act or under a qualified CHIP look-alike program, as defined in Section 2107(g) of the federal Social Security Act.
 5. Medical coverage under Chapter 55 of Title 10 of the United States Code, including coverage under the TRICARE program.
 6. A health care program under Chapter 17 or Chapter 18 of Title 38 of the United States Code.
 7. A health plan under Section 2504(e) of Title 22 of the United States Code, relating to Peace Corps volunteers.
 8. The Nonappropriated Fund Health Benefits Program of the Department of Defense, established under Section 349 of the National Defense Authorization Act for Fiscal Year 1995.
 9. Refugee Medical Assistance, supported by the Administration for Children and Families, which is authorized under Section 412(e)(7)(A) of The Immigration and Nationality Act.
 10. A successor program to one of the above programs, as determined by the DMHC or, in regards to program #2, by the DHCS.
- c. Liability insurance, including general liability insurance and automobile liability insurance.
 - d. Workers' compensation or similar insurance.
 - e. Automobile medical payment insurance.
 - f. Credit-only insurance.
 - g. Coverage for onsite medical clinics.
 - h. Other similar health coverage, under which benefits for medical care are secondary or incidental to other health benefits.
2. Coverage of the following excepted benefits, if offered separately:
 - a. Limited scope dental or vision benefits, or benefits limited to any other single specialized area of health care.
 - b. Benefits for long-term care, nursing home care, home health care, community-based care, or any combination thereof.
 - c. Other similar, limited benefits.
 3. Coverage of the following excepted benefits if offered as independent, noncoordinated benefits:
 - a. Coverage only for a specified disease or illness.
 - b. Hospital indemnity or other fixed indemnity insurance.
 4. Coverage of the following excepted benefits if offered as a separate contract for health care coverage:
 - a. Medicare supplemental health insurance, as defined under Section 1395ss(g)(1) of Title 42 of the United States Code.
 - b. Coverage supplemental to the coverage provided under Chapter 55 (commencing with Section 1071) of Title 10 of the United States Code.

Coverage in More Than One MEC Plan or Program

For California purposes, if an individual is covered by more than one MEC plan in any month, the forms provided to the IRS for federal purposes should also be filed with the FTB.

When To File

You will meet the requirement to file federal Forms 1094-B and 1095-B if the forms are properly addressed and mailed on or before the due date. When the due date falls on a weekend or holiday, the deadline to file is extended to the next business day.

For California purposes, federal Forms 1094-B and 1095-B must be filed by March 31 of the year following the calendar year to which the return relates. Federal Form 1095-B must be provided to all individuals receiving MEC by January 31 of the year following the calendar year to which the return relates.

Extensions – No penalty will be imposed for federal Forms 1094-B and 1095-B filed with the FTB on or before May 31.

Coverage Designated as MEC

California has designated the following health benefit plans or arrangements as MEC:

1. The University of California Student Health Insurance Plan and the University of California Voluntary Dependent Plan.
2. Coverage under an eligible employer-sponsored plan, including grandfathered plans and policies.
3. Coverage under an individual health care service plan contract or individual health insurance policy, including grandfathered contracts and policies, catastrophic plans, or student health coverage that substantially meets all the requirements of Title I of the Affordable Care Act pertaining to nongrandfathered, individual health insurance coverage.
4. Any other health benefits coverage that is determined by the DMHC to constitute MEC.

MEC Does Not Include

1. Coverage of the following excepted benefits:
 - a. Coverage only for accident or disability income insurance, or a combination of the two.
 - b. Coverage issued as a supplemental to liability insurance.

Electronic Filing

If you are required to file 250 or more information returns, you must file electronically. This requirement applies to each type of form filed and separately for original and corrected returns. For example, if you must file 500 federal Forms 1095-B and 75 federal Forms 1095-C, you must file federal Forms 1095-B electronically, but you are not required to file federal Forms 1095-C electronically. The electronic filing requirement is not applicable if you apply for and receive a waiver. ~~The FTB encourages you to file electronically even if you are filing fewer than 250 returns.~~

→ For information about how to file information returns electronically, get FTB File Exchange System - MEC IR Registration and Enrollment Guide, and FTB File Exchange System - 1094 1095 Technical Specifications, or go to ftb.ca.gov/mec.

Waiver – You may annually request a waiver from the required electronic filing of federal Forms 1094-B and 1095-B. The FTB may grant a waiver if it determines that you are unable to comply with this requirement due to technology constraints or where compliance would result in undue financial burden. To request a waiver, call FTB e-Programs Customer Service at 916.845.4025.

Where To File

Send all information returns filed on paper to the following:

HEALTH CARE MANDATE
FRANCHISE TAX BOARD
PO BOX 2288
RANCHO CORDOVA CA 95741-2288

Substitute Federal Forms 1094-B and 1095-B

If you are filing federal Forms 1094-B and 1095-B on paper, get federal Publication 5223, General Rules and Specifications for Affordable Care Act Substitute Forms 1095-A, 1094-B, 1095-B, 1094-C, and 1095-C, for specifications for private printing of substitute federal Forms 1094-B and 1095-B. You may not request special consideration. Only forms that conform to the official form and the specifications in federal Publication 5223 are acceptable for filing with the IRS and the FTB.

Also, if you are not using the official IRS form to furnish federal Forms 1095-B to individuals, get federal Publication 5223 for the requirements for format and content of substitute federal Forms 1095-B furnished to individuals.

For California purposes, substitute federal Forms 1095-B for individuals receiving MEC must include all of the information required under R&TC Section 61005(f).

VOID Box

Do not use this box on federal Form 1095-B.

Corrected Federal Forms 1094-B and 1095-B

Federal Form 1094-B – Do not file corrected federal Form 1094-B with the FTB.

Federal Form 1095-B – A corrected federal Form 1095-B filed with the IRS must also be filed with the FTB. A corrected federal Form 1095-B should be filed as soon as possible after an error is discovered. Get the instructions for federal Form 1095-B for filing corrected federal Forms 1095-B.

For information about filing corrections for electronically filed forms with the FTB, get FTB File Exchange System – 1094 1095 Technical Specifications.

Statements to Individuals

Federal Form 1095-B must be furnished to individuals receiving MEC by January 31, 2022, for California purposes.

If you have already furnished federal Form 1095-B to an individual receiving MEC for federal purposes, it is not necessary to provide an additional copy to that individual for California purposes.

Information Reporting Penalties

A provider of MEC that fails to comply with the information reporting requirements will be subject to the general information reporting penalty provisions for failure to file correct information returns. For returns required to be made for 2021 tax year, the penalty for failure to file a correct information return is \$50 per individual included on a return for which the failure occurs.

Specific Instructions for Federal Forms 1094-B and 1095-B

Get the instructions for federal Forms 1094-B and 1095-B to complete these forms.

