

compliance ALERT

Massachusetts Health Insurance Reporting Form Must be Filed by December 15

November 12, 2020

Massachusetts (MA) requires employers with six or more employees working in MA to file the Health Insurance Responsibility Disclosure (“HIRD”) Form by December 15 of each year, whether the employer offers health insurance to its employees or not.

In 2018, the Massachusetts Department of Revenue (DOR) launched a new HIRD Form (see a sample [here](#)) and [guidance](#) that clarifies how employers comply with the annual HIRD reporting requirements. This new HIRD Form is available on the DOR’s website annually by November 15 and must be completed each year by December 15 of the reporting year.

Is the Current HIRD Form the Same as the Old HIRD Form that Massachusetts Required Several Years Ago?

No. As clarified in the 2018 guidance, the current HIRD Form is an annual state reporting requirement in MA and does not relate to certain prior health insurance-related filing requirements that were in effect from 2006 through 2014, which were also called HIRD Forms.

The current HIRD Form collects employer-level information about employer-sponsored health insurance plans in order to assist MassHealth (one of the two health insurance exchanges in MA) in identifying

members who can participate in such plans, and who may be eligible for premium assistance from MassHealth. Unlike the old HIRD Forms, there is no individualized information that must be disclosed, and employees do not need to complete a form.

Which Massachusetts Employers Must Comply with this New Reporting Requirement?

State law requires every employer in MA with six or more employees to annually submit a HIRD Form, regardless of whether they offer health insurance coverage. Specifically, an individual is an “employee” for this purpose if the employer included such individual in its quarterly wage report to the Massachusetts Department of Unemployment Assistance (DUA) during the past 12 months.

What Information is Required on the HIRD Form?

The HIRD Form collects employer-level information about employer-sponsored insurance (ESI) and requires disclosure of the following information pertaining to the employer’s health insurance plan:

- The plan’s eligibility requirements;
- The total cost of employer and employee premiums;

SYNOPSIS

- **The Massachusetts Health Insurance Responsibility Disclosure (“HIRD”) Form must be filed by December 15.**
- **Every employer in MA with six or more employees must submit a HIRD Form, regardless of whether they offer health insurance coverage.**

- Whether the plan meets the Massachusetts Minimum Creditable Coverage requirements;
- The coverage tiers offered (e.g., single, employee plus one, and family);
- The in-network deductible; and
- The maximum out of pocket expenses.

How is the HIRD Form Administered?

HIRD reporting is administered by MassHealth and the DOR through the MassTaxConnect (MTC) web portal. Employers can file the HIRD Form by logging into their [MTC withholding account](#) and selecting the "file health insurance responsibility disclosure" hyperlink under the "account alerts" heading. Employers may also elect to use a payroll company to file on their behalf on the MTC website.

When is the HIRD Form Due and What are the Penalties for Noncompliance?

The HIRD Form must be completed annually by December 15 of the year for which it is being filed. Employers offering multiple plan options must disclose each plan offered.

Although an employer will not be penalized for the information provided about ESI on the HIRD Form, if an employer knowingly falsifies or fails to file any required HIRD information, it may be subject to a penalty of not less than \$1,000 or more than \$5,000 for each violation.

If you have any additional questions, please call your Corporate Synergies Account Manager or 866.CSG.1719.

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