OMB#**1545-1349**

Screener's Guide for Affordable Care Act (ACA) Employer Focus Groups - National Tax Forum 2016

Hello, my name is _______ and I am an employee of the Internal Revenue Service (IRS).

I am recruiting tax practitioners to participate in one of the focus groups that will be held during this tax forum.

Management at IRS has asked me to conduct focus groups at this forum to gather feedback from tax professionals about their experiences with the employer tax provisions of the Affordable Care Act.

- Do you have clients with full-time employees?

If the answer is **no, do NOT invite the practitioner**. Thank them for taking the time to speak with you.

If the practitioner answers **YES,** ask and record their answer to this follow-up question:

  - o Do any of your clients have 50 or more full-time employees? Yes__ No__

Practioners with clients with ANY number of full-time employees **ARE** eligible to participate in the focus group. However, please attempt to recruit practioners whose clients have higher numbers of full-time employees. Ideally, at least some participants would have clients with 50 or more full-time employees.

I would like to invite you to participate in the focus group on *Employer Tax Provisions under the Affordable Care Act*. The session should take approximately two hours and will be held _______.

- on ________________________________(day)
- at ________________________________ (time)
- in Room ___________________________(room # or name)
- located ____________________________ (provide brief directions).

The Paperwork Reduction Act requires that the IRS display an OMB control number on all public information requests. The OMB Control Number for this focus group is **1545-1349**. We estimate the time required to participate in the focus group is two hours. Also, if you have any comments regarding the time estimates associated with this study or suggestions on making this process simpler, please write to:

Internal Revenue Service
Special Services Section
1111Constitution Ave. NW,
SE:W:CAR:MP:T:M:S – Room 6129
Washington, DC 20224

Moderator's Guide - SB/SE Affordable Care Act Employer Focus Groups – National Tax Forum 2016

Hello everybody! My name is ____________ and I'm a focus group moderator for the Internal Revenue Service (IRS). This is my co-moderator________________.

The IRS has responsibility for implementing parts of the Affordable Care Act. It contains health insurance reforms and tax provisions that affect individuals, families, businesses, insurers, tax-exempt organizations and government entities.

Our discussion is designed to gather feedback from tax professionals about your experiences with the employer tax provisions of the Affordable Care Act. Your feedback will help improve IRS services.

Before we start, how many of you have ever participated in a focus group? For those who have not, a focus group is a research tool used to gather ideas and opinions from a group of individuals with a common characteristic or experience using a directed discussion. Groups at each Tax Forum will discuss this topic. The results will be combined in a summary. No names will be used in the summary.

My job as a moderator is to help guide the flow of conversation, making sure everyone's comments are heard, and ensuring that various aspects of the topic are covered. You will see me referring to an outline. It includes all the points I need to cover. To keep things on track and ensure we cover all the points, I may, at times, have to break off the conversation and move things on.

To help our discussion go smoothly, I would like to go over some ground rules:

- Everyone's opinion is valuable, so I'd like everyone to participate and be courteous to others.
- There is no right or wrong answer, but there could be different points of view.
- We only need to know your first name in order to keep the discussion moving.
- Please speak one-at-a-time, loudly, and clearly.
- Please silence your cell phone.
- I'll be watching our time and directing our conversation. My co-moderator will be taking notes.
- We will be here about two hours. There will be no formal breaks. If you need to stretch or use the restroom, feel free to do so, but please return quickly, as your comments are important to us.

We are required to report to you the OMB control number for this public information request: 1545-1349.

Warm Up

1. Let's begin! Please give me your first name only, how long you've been a tax preparer and what businesses or industries your clients engage in. Note: Go around the table.

General Question

2. How many full-time employees do your clients typically have? How many part-time employees?

Needs and Sources of Information

3. For clients with employees, what tax help are they looking for regarding the Affordable Care Act?

Probes

- Which rules apply to them
- Data gathering, data sharing, or filing year end information returns
- Whether health coverage offered is considered adequate and affordable

4. Where do you, as a tax preparer, go for information about employer tax provisions under the Affordable Care Act? Where do your clients with employees go for that information?

Probes

- IRS – irs.gov, printed materials, webinars, live events, etc. (Mandatory Probe)
- Internet
- Another tax preparer, accountant, lawyer
- Health insurance provider
- Consultant or vendor
- Research service
- Professional association

5. Focusing on IRS information sources regarding the Affordable Care Act, what has helped? What needs improvement? Why?

Probes

- irs.gov – summaries, FAQs, on-line videos
- Printed materials – tax forms, instructions, publications
- Webinars
- Live events
- Other

Awareness of Requirements

6. What are the main differences between a small employer vs. a large employer (also known as an Applicable Large Employer) under the Affordable Care Act tax provisions?

Probes

- Number of full-time employees or equivalents
- Potential liability for an Employer Shared Responsibility Payment (ESRP)
- Information return filing requirements

7. How do you identify whether your client is a small or large employer? What information is used?

Probes
- Does the Client tell you, do you determine the status for the client?
- Number of full-time employees
- What time period is used? (FY, CY, TY, past, present, future)
- What method(s) are used
- Average number of hours worked by an employee (weekly, monthly)
- Special rules: Seasonal workers. Transition relief. Aggregation.

8. What do you know about the Employer Shared Responsibility Payment? What are the main points?

Probes
- Who may be subject to it?
- What triggers it?
- How is it calculated?
- How will you know if you owe the ESRP?

9. Describe the new information returns related to large employers under the Affordable Care Act - Form 1094-C Transmittal & Form 1095-C Employer-Provided Health Insurance Offer and Coverage

Probes
- What do they report?
- Who files them?
- What are the methods of filing?
- Is there an electronic filing requirement for some employers?
- When are the returns due? (paper vs. electronic)

10. Some employers offer a “self-insured” or “self-funded” plan where the employer assumes the financial risk for providing health care benefits. Describe how this is treated under the Affordable Care Act.

Probes
- What information returns need to be filed?
- Is it different for a small employer vs. a large employer?

Problems Encountered and Suggested Changes

11. Were your clients with 50 or more full-time employees and/or offering self-funded plans able to comply with their Affordable Care Act information return filing responsibilities for TY 2015?

If not, why?

Are they on track for gathering the information needed to file Affordable Care Act information returns for TY2016?

12. For your clients with employees, what problems or issues have they encountered with Affordable Care Act tax compliance that we have not yet discussed today?

Probes
- Data gathering – internally vs. externally
- Data sharing – internally vs. externally
- e-File issues - in house vs. vendor, registration, testing, certification, software, transmitting, rejects
- Paper filing issues - rejects
- Lack of training, education
- Inability to obtain help, advice – from others vs. from IRS

13. Lastly, if you were in charge of the IRS effort to implement the Employer Shared Responsibility Payment under the Affordable Care Act, what one or two changes would you have the IRS make? Why?

Conclusion

14. Are there any final comments about the topic we covered today?

Thank you for sharing your experiences, thoughts and opinions today. Your feedback is extremely valuable and will help the IRS better implement employer tax responsibilities under the Affordable Care Act. Have a great day!