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Final regulations: Health insurance providers fee, electronic filing requirements

The U.S. Treasury Department and IRS this afternoon released for publication in the Federal Register final regulations (T.D. 9881) concerning the health insurance providers fee, and specifically a requirement that entities engaged in providing health insurance for U.S. health risks and that meet a threshold amount of net premium written must electronically file Form 8963, "Report of Health Insurance Provider Information."

The [final regulations](#) [PDF 276 KB] generally adopt "with no substantive change" regulations that were proposed in December 2016.

According to the preamble of the final regulations:

- Under the regulations, a covered entity (including a controlled group) reporting on a Form 8963 or corrected Form 8963 more than \$25 million in net premiums written must electronically file the forms after December 31, 2017.
- Forms 8963 reporting \$25 million or less in net premiums written are not required to be electronically filed.
- If a Form 8963 or corrected Form 8963 is required to be filed electronically, any subsequent Form 8963 filed for the same fee year must also be filed electronically—even if the subsequently filed Form 8963 reports \$25 million or less in net premiums written.
- A failure to electronically file will be treated as a failure to file.
- The electronic filing requirement will begin for the 2020 fee year (because the fee will not be collected in 2019).

The final regulations are scheduled to be published in the Federal Register on November 13, 2019.

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