



Health Care Reform

LEGISLATIVE BRIEF

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Health Care Tax Credit for Small Employers

The Affordable Care Act (ACA) created a tax credit for certain small employers that provide health insurance coverage to their employees. In general, to be eligible for the health care tax credit, an employer must:

- Have fewer than **25 full-time equivalent employees** (FTEs);
- Pay **average annual wages of less than \$50,000 (\$50,800 for 2014)** per FTE; and
- Pay **at least half** of employee health insurance premiums.

CHANGES FOR 2014

The health care tax credit will continue to be available in 2014 and later taxable years. However, a few key aspects of the tax credit change beginning in 2014.

**Effective
for
2014:**

- Employers must purchase health insurance coverage for their employees under the Exchange's Small Business Health Options Program (SHOP) to be eligible for the health care tax credit;
- The maximum credit increases to 50 percent of premiums paid for taxable small employers and 35 percent of premiums paid for tax-exempt small employers; and
- The health care tax credit is only available to an employer for two consecutive taxable years.

IMPACT OF CREDIT ON SMALL EMPLOYERS

For tax years 2010 through 2013, the maximum health care tax credit is **35 percent** of premiums for small business employers and **25 percent** of premiums for small tax-exempt employers. **For 2014 and later tax years, the maximum credit increases to 50 percent for small business employers and 35 percent for small tax-exempt employers.**

The credit is gradually phased out for small employers with more than 10 FTEs and average annual wages in excess of \$25,000. For 2014, the credit is phased out for small employers with more than 10 FTEs and average annual wages in excess of \$25,400.

Example: If you are a small employer that pays \$50,000 a year toward workers' health care premiums and you qualify for a 15 percent credit, you can save \$7,500 by using the health care tax credit. If you save \$7,500 a year from tax year 2010 through 2013, you will have a total savings of \$30,000. If, in 2014, you qualify for a slightly larger credit, (for example, 20 percent) your savings would go from \$7,500 a year to \$12,000 a year.

Small business employers that did not owe tax during the year can carry the credit back or forward to other tax years. Also, since the amount of the health insurance premium payments are more than the total credit, eligible small businesses can still claim a business expense deduction for the premiums in excess of the credit.

Health Care Tax Credit for Small Employers

The credit is refundable for small tax-exempt employers. This means that, even if a tax-exempt employer does not have any taxable income, it may be eligible to receive the credit as a refund so long as it does not exceed the employer's income tax withholding and Medicare tax liability.

RULES FOR CLAIMING CREDIT

To be eligible for the health care tax credit, an employer must cover at least 50 percent of the cost of single (not family) health insurance coverage for its employees. Starting in 2014, an employer must pay a uniform percentage (not less than 50 percent) of the self-only premium for each employee enrolled in a qualified health plan through a SHOP Exchange.

An employer must also have fewer than 25 FTEs and pay average wages of less than \$50,000 per year. For 2014, an employer must pay average annual wages of \$50,800 or less per FTE to be eligible for the health care tax credit.

- Under the rules for counting FTEs, two half-time workers count as one full-time employee. For example, 20 half-time employees are equivalent to 10 full-time workers. That makes the number of FTEs 10 not 20.
- Average annual wages are calculated by adding up the total wages paid by the employer during the tax year, and dividing that amount by the number of FTEs for the year. For example, if you are a small employer that has 10 FTEs and paid total wages of \$200,000 during 2014, the average annual wage would be \$20,000 (\$200,000 divided by 10).

Starting in 2014, to take advantage of the credit, small employers must buy coverage through one of the Exchange's SHOPS. The credit can be claimed for any two consecutive taxable years beginning in 2014 (or beginning in a later year) through the SHOP.

Employers must use **IRS Form 8941**, Credit for Small Employer Health Insurance Premiums, to calculate the credit. If you are a small business, include the amount as part of the general business credit on your income tax return. If you are a tax-exempt organization, include the amount on IRS Form 990-T, Exempt Organization Business Income Tax Return. You must file the Form 990-T in order to claim the credit, even if you do not ordinarily file this form.

EFFECT OF SEQUESTER

As a result of the sequester, the IRS announced that there will be a **7.2 percent reduction** of the refund payments issued to certain small tax-exempt employers claiming the refundable portion of the small employer tax credit. According to the IRS, the sequestration reduction rate will be applied to refund payments processed between Oct. 1, 2013, and Sept. 30, 2014, unless and until a law is enacted that cancels or otherwise impacts the sequester, at which time the sequestration reduction rate is subject to change. Affected taxpayers will be notified through correspondence that a portion of their requested payment was subject to the sequester reduction and the amount.

MORE INFORMATION

Please contact Pacific Group for more information on the health care tax credit, including detailed rules for eligibility and calculating and claiming the credit.

Source: Internal Revenue Service

This Legislative Brief is not intended to be exhaustive nor should any discussion or opinions be construed as legal advice. Readers should contact legal counsel for legal advice.

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