

Health Insurance Responsibility Disclosure (HIRD) Frequently Asked Questions

General Information about the HIRD Reporting Requirement:

1. What is the HIRD form?

The Health Insurance Responsibility Disclosure (HIRD) form is a new state reporting requirement in Massachusetts in 2018. The HIRD form collects employer-level information about your employer-sponsored insurance (ESI) offerings. The HIRD reporting is administered by MassHealth and the Department of Revenue (DOR) through the MassTaxConnect (MTC) web portal. The HIRD form will assist MassHealth in identifying its members with access to qualifying ESI who may be eligible for the MassHealth Premium Assistance Program.

2. Who is required to complete the HIRD form?

State law¹ requires every employer in Massachusetts with six or more employees to annually submit a HIRD form. If you are an employer who currently has (or had) six or more employees in any month during the past 12 months preceding the due date of this form (November 30th of the reporting year), you are required to complete the HIRD form. An individual is considered to be your employee if you as the employer included such individual in your quarterly wage report to the Department of Unemployment Assistance (DUA) during the past 12 months. You are required to complete the HIRD form if you reported six or more employees (includes all employment categories) in any DUA wage report during the past 12 months.

3. What is the difference between this new HIRD reporting requirement and the old HIRD form?

This HIRD form is different from the old HIRD form that was passed into law in 2006, and later repealed in 2014. The old HIRD form consisted of an employer form and an employee form, which required separate forms completed and signed by each employee who declined to enroll in ESI or the Employer's Section 125 Cafeteria Plan to pay for health insurance. In contrast, the new HIRD form only consists of a single employer form, which only needs to be completed once annually for your company. The new HIRD form does not contain any personal information about your employees. The new HIRD form will be used to inform MassHealth about employers' ESI offerings and allow more MassHealth members to enroll in Premium Assistance.

¹ See M.G.L. c. 118E, section 78.

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4. How do I submit the HIRD form?

The HIRD reporting is administered by the DOR through the MassTaxConnect (MTC) web portal. The MTC is where employer-taxpayers register to file returns, forms, and make tax payments. To file your HIRD form, login to your MTC withholding account and select the “File health insurance responsibility disclosure” hyperlink under the account alerts. If you do not have an MTC account, or if you forgot your password or username, you may follow the instructions provided on the MTC web page (<https://mtc.dor.state.ma.us/mtc/#1>) or contact the DOR at 617-466-3940.

5. How should I file the HIRD form if I use a payroll company to file tax information on MTC?

The HIRD form may be filed on MTC by either you or your payroll company; however, it is your responsibility as the employer to ensure that the HIRD form is timely filed. If you use a payroll company to file on MTC, you should coordinate HIRD reporting between the payroll company and your record keeper for health insurance information. The HIRD form collects information about employers’ health insurance offerings. This information is typically kept by employers’ human resources department and/or a benefits coordinator.

6. When do I submit the HIRD form?

The HIRD reporting is required annually, beginning in filing year 2018. The HIRD reporting period will be available to be filed starting November 1 of the filing year, and must be completed by November 30 of the filing year. Thereafter, HIRD reporting will be due on November 30 of each subsequent year.

7. Could I be penalized based on the information I report in the HIRD form?

The HIRD form will not be used to impose any new fines or penalties related to employers’ ESI offerings (or lack thereof). There are no fines or penalties related to your completed HIRD form.

8. How will the HIRD form information be used?

The HIRD form will assist MassHealth in identifying its members with access to qualifying ESI who may be eligible for the MassHealth Premium Assistance Program.

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In most instances, the HIRD form will eliminate the need for employers to complete a separate Premium Assistance application for the employee. In other instances, MassHealth may request additional information from the employer in order to confirm an individual's eligibility for Premium Assistance.

Note that employees enrolled in ESI, including but not limited to those enrolled in MassHealth's Premium Assistance Program, are not included in the calculation of their employer's obligation under the Employer Medical Assistance (EMAC) Supplement (i.e., employees receiving MassHealth coverage as a secondary payer are not included in their employer's obligation under the EMAC Supplement) (see 430 CMR 21.03(2)). The HIRD form will not be used in connection with any determinations regarding employer's EMAC obligation.

9. What is MassHealth's Premium Assistance Program?

The MassHealth Premium Assistance program helps eligible working individuals and families pay for qualifying ESI coverage. Eligible MassHealth members with access to qualifying ESI are required to enroll in available ESI. Members who are determined eligible for Premium Assistance may enroll in ESI without regard to any enrollment periods or other restrictions that apply to late enrollees for any group plan, as the MassHealth eligibility determination is considered a qualifying event.

For more information on the MassHealth Premium Assistance Program, please visit the MassHealth Premium Assistance web page:

<https://www.mass.gov/service-details/other-health-insurance-and-masshealth-premium-assistance>).

Note that employees enrolled in ESI, including but not limited to those enrolled in MassHealth's Premium Assistance Program, are not included in the calculation of their employer's obligation under the Employer Medical Assistance (EMAC) Supplement (i.e., employees receiving MassHealth coverage as a secondary payer are not included in their employer's obligation under the EMAC Supplement) (see 430 CMR 21.03(2)).

10. Where do I find the health plan information necessary to complete the HIRD form?

Your human resources and/or benefits department should have access to all of the information necessary to complete the HIRD form.

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Some information will be readily available in the summary of benefits prepared by the health plan(s) your company offers, such as the employee monthly contribution, in-network deductible and in-network out-of-pocket maximum.

Some information will likely be policies set by your company. For instance, the minimum probationary period and hours worked per week to qualify for health insurance, as well as any employment-based categories that determine access to health insurance, are generally policies set by your company.

Some information, such as the Plan Year (a.k.a. Rate Year) and the total monthly cost of the plan, will be agreed upon between your company and the health plan. Your human resources and/or benefits department should have access to this information.

11. Is there any Personally Identifiable Information (PII) about my employees included in the HIRD form?

No. The HIRD form only collects employer-level information about your company's health plan offerings. It does not collect any personal information about employees.

12. My company does not offer health insurance. Do I need to complete the HIRD form?

Yes. Employers who do not offer health insurance are required to log into MTC and submit the HIRD form. Once you have entered your company contact information, the next question on the form will be "Does the employer offer Group Health Insurance?" You should answer "No" to this question and submit the HIRD form.

Specific Information about Completing the HIRD Form:

13. I am having technical difficulties accessing the HIRD form or completing the HIRD form, what should I do?

If you experience technical difficulties while trying to access or complete the HIRD form, please contact the HIRD DOR call center at 617-466-3940.

14. My company has multiple Federal Employer Identification Numbers (FEINs); do I have to report a separate HIRD form for each FEIN?

Yes, employers must report a separate HIRD form for each FEIN. MTC login credentials are tied to FEIN, so the employer must log into each FEIN MTC account they have and complete a HIRD form for each account.

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15. Employer-sponsored health plan information for my company's upcoming Plan Year (a.k.a. Rate Year) is not yet available. Should I wait until it is available to fill out and submit the HIRD form?

If health plan information for your upcoming Plan Year (a.k.a. Rate Year) is not yet available, please submit the HIRD form using the current Plan Year information for your health plan(s).

16. My company's health insurance offerings vary depending upon an employee's employment-based category or union affiliation. How should I report health plan information if it may vary for employees in different categories?

The HIRD form includes questions that address this issue and allow employers to enter information about different health insurance offerings. Employers should follow the instructions on the HIRD form and enter all applicable information about different employment-based categories and union affiliation as they relate to health insurance offerings. For example, employment-based categories may include, but are not limited to: regular full-time; regular part-time; temporary full-time; temporary part-time; management; non-management; wage based; exempt; non-exempt; salaried; hourly; union; non-union; and intern. The HIRD form allows an employer to report different health insurance offerings for all applicable types of employees.

If an employer offers multiple versions of the same health plan (with different premiums, deductibles, or out of pocket maximums) to different categories of employees, the employer should enter a new plan entry for each version of the health plan.

17. A health plan offered by my company has multiple Group Numbers. Should I enter multiple entries for this health plan?

If a health plan offered by your company has multiple Group Numbers, but otherwise does not vary in terms of the benefits and rates provided, please include the multiple Group Numbers under an individual entry for that plan. If the health plan has variable benefits or rates depending on the Group Number, please enter a new health plan entry for each version of the plan, detailing the different rates for each version.

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18. I answered “No” to the question: “Do the benefits provided under the health insurance plan satisfy the Minimum Creditable Coverage (MCC) requirements of 956 CMR 5.03(1)(a)”. Now I cannot enter any additional information about this plan(s). Why not?

Any health plan that does not meet the MCC requirements does not meet the eligibility requirements for the MassHealth Premium Assistance Program. Therefore, the HIRD web portal does not allow further information to be entered for a health plan once an employer selects that the plan does not meet MCC requirements. The employer should simply select “No” on the question asking whether that plan meets MCC requirements and move onto reporting information for the next health plan, if any.

19. I don’t know if my company’s health plan(s) meets the Minimum Creditable Coverage (MCC) requirements of 956 CMR 5.03(1)(a). How should I report on this plan?

If you are unsure whether a health plan meets MCC requirements, please select “Unknown” under the question regarding MCC for that plan, and then enter the rest of the plan information as usual. If the employer’s answer is “Unknown” for any plan, the employer must submit an insurance summary of benefits for each such plan. To submit your insurance summary of benefits, login to your MTC withholding account and select the “Send a message” link under the “I Want To” menu.

20. My company’s health plan(s) does not have levels of coverage that match the names of the levels of coverage listed on the HIRD form. How should I report the information for this plan?

The names of a plan’s levels of coverage can vary. The “Individual” level of coverage on the HIRD form refers to any plan that only covers the employee themselves. The “Employee Plus One” level of coverage on the HIRD form refers to any plan that covers the employee plus one other adult, such as a spouse. The “Employee Plus Child/Children” level of coverage on the HIRD form refers to any plan that covers the employee plus their child or children. The “Family” level of coverage on the HIRD form refers to any plan that covers an entire family (employee, spouse, and child/children).

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21. Where do I report copayment information on the HIRD form?

Employers are not required to report copayment information on the HIRD form.

22. Where do I report information about Health Reimbursement Arrangements (HRA), Flexible Spending Arrangements, and Health Savings Accounts (HSA)?

Employers are not required to report information about HRAs, Flexible Spending Arrangements, or HSAs on the HIRD form.

23. I realized that I made a mistake when completing the HIRD form. Can I amend my submission?

Once the employer submits the HIRD form during the annual reporting period, you are not able to amend your electronic submission through the MTC web portal. The *only* exception to this is that the employer may delete an electronic submission in its entirety until close of business (5pm) on the *same day* the HIRD form was submitted (this exception only applies to HIRD forms that were submitted and not those that were saved to continue). After the date the HIRD form was submitted to the MTC web portal, the employer can only amend a submission by sending the amended information through the DOR's MTC e-message system. To send amended HIRD information, login to your MTC withholding account and select the "Send a message" link under the "I Want To" menu.

For all further questions regarding the HIRD reporting requirement, please contact the Department of Revenue's customer service center at 617-466-3940 and choose the option to speak with a HIRD representative.