

**DEPARTMENT OF THE TREASURY  
INTERNAL REVENUE SERVICE  
WASHINGTON, D.C. 20224**

OFFICE OF THE CHIEF COUNSEL

April 07, 2017

Number: **2017-0011**  
Release Date: 6/30/2017

CONEX-108265-17

UIL: 5000A.00-00

The Honorable Darren Soto  
Member, U.S. House of Representatives  
804 Bryan Street  
Kissimmee, FL 34741

Attention:

Dear Representative Soto:

I am responding to your inquiry dated March 8, 2017, about your constituent, \_\_\_\_\_, contacted your office for assistance with the requirement to have health insurance coverage. Before moving to Florida from Germany in 1998, \_\_\_\_\_ was enrolled in a German health insurance plan. Since moving to Florida, she has continued her coverage under the German plan.

The law requires individuals to have qualifying health care coverage (known as minimum essential coverage) for each month, qualify for a coverage exemption for the month, or make a shared responsibility payment when filing their federal income tax return. Minimum essential coverage generally includes:

- Coverage provided by an employer;
- Health insurance an individual purchases in the Health Insurance Marketplace;
- Most government-sponsored coverage such as Medicare Part A and Medicare Advantage;
- Coverage an individual purchases directly from an insurance company; and
- Other coverage designated by the Department of Health and Human Services as minimum essential coverage

In addition, health insurance coverage under an expatriate health plan provided to qualified expatriates who are in the United States for their employment is minimum

essential coverage. However, your constituent's German health insurance plan is not one of the coverages mentioned above. In addition, she is not in the United States for her employment. Therefore, unfortunately, her coverage under her German health insurance plan does not qualify as minimum essential coverage.

However, \_\_\_\_\_ may be exempt from the requirement to have minimum essential coverage. One exemption is for individuals who have no affordable health insurance options because the minimum amount they must pay for minimum essential coverage is more than a certain percentage of their household income. That percentage is 8.13 for 2016. For more information on health coverage exemptions, \_\_\_\_\_ may want to visit our website, [www.irs.gov](http://www.irs.gov), and review Form 8965, Health Coverage Exemptions.

I hope this information is helpful. Please call \_\_\_\_\_ or \_\_\_\_\_ of my office at \_\_\_\_\_ or me at \_\_\_\_\_ if you have other concerns or questions.

Sincerely,

Scott Dinwiddie  
Associate Chief Counsel  
Income Tax and Accounting