

## **IRS Write-offs for Businesses\***

\* We are not tax advisors, please be sure to consult your tax professional

### **Self-Employed**

A self-employed individual can deduct 100% of his/her out-of-pocket long-term care insurance premiums, up to the Eligible Premium amounts listed on form IRC 162(l)].- **see current IRS deduction limits in the Resources section of [www.gabriellegeloltc.com](http://www.gabriellegeloltc.com)**. The portion of LTCI premiums that exceeds the Eligible Premium is not deductible as a medical expense. The deductible amount includes eligible premiums paid for spouses and dependents [IRC 162(l)]. It is not necessary to meet a 7.5% or 10% AGI threshold in order to take this deduction. However, a self-employed individual may not deduct LTCI premiums during any calendar month in which he/she or his/her spouse is eligible to participate in a subsidized LTCI plan (where the employer pays all or part of the premiums for LTCI).

**A. Partnership <sup>2</sup> Limited Liability Company (LLC) <sup>2</sup> Subchapter S Corporation** This pertains to Partners in a partnership, members of an LLC that is taxed as a partnership; shareholders/employees of Subchapter S Corporations who own more than 2% of the Corporation; and those filing as self-employed individuals. The partnership, LLC or Subchapter S Corporation pays the premium. The partner, member or shareholder/employee includes the LTCI premium in his/her Adjusted Gross Income, but may deduct up to 100% of the age-based Eligible Premium, as listed in Table 1. It is not necessary to meet a 7.5% or 10% AGI threshold.

**Planning Tip:** In a sole proprietor or a partnership situation, the owner/partner who has a spouse who is a true employee can deduct the actual (full) premium for that spouse's policy. If that spouse's policy had a shared benefit rider that may be included in the deductible premiums.

### **B. Subchapter C Corporation**

When a business purchases a tax-qualified LTCI policy on behalf of any of its employees, or their spouses and Dependents, the corporation is entitled to take a **100% deduction** as a business expense on the total premium paid. The deduction is **not** limited to the aged-based Eligible Premiums. The purchase of a tax-qualified LTCI policy is **not** subject to any non-discrimination rules, thus allowing an employer to be selective in the classification of employees it elects to cover.

**Planning Tip:** Premium payments generally will be tax deductible when the class is based on such factors as the officers of the corporation and length of service (e.g. company pays for all those who are Senior Vice President or higher and have been with the company for 12 or more years). Tax rulings have stipulated that the class cannot, however, be based on stock ownership.

**Tax Savings Tip:** The use of Ten-Pay or Accelerated Premium plans provide higher tax deductions for the Corporation and enable the long-term care insurance premium to be fully paid-up by the time the owner retires (no ongoing premiums).

### **C. Employer Pay Contributory Arrangement on Behalf of Employee**

If an Employer pays all or a portion of the tax qualified premiums on behalf of an employee, the amount paid is deductible for the employer as a business expense. The deduction is not limited by the age-based limits. The entire contribution is also excluded from the employee's AGI. If the employer only pays a portion of the premium, the employee may apply the balance that he/she pays towards his/her medical expenses up to the eligible premium amount and might then be entitled to a deduction for medical expenses that exceed 10% of the AGI (7.5% for 65 and older).

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Gabrielle Gelo, ACSIA Partners  
210-592-9887 primary  
210-875-6611 secondary  
866-283-5843 fax

[www.gabriellegeloltc.com](http://www.gabriellegeloltc.com)