



The ACA Survives...Again

Insights

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We feel like a broken record, because we've said it before: the Affordable Care Act is still here. We said the same thing after each of two Supreme Court challenges to central portions of the law, both of which (in 2012 and 2015) fell flat. After campaigning on a promise to swiftly repeal the landmark healthcare law, and signing an executive order stating the new administration's priority was to repeal and replace the Affordable Care Act (ACA), the president was unsuccessful in convincing Congress to begin dismantling the law. So, we can say it once again: the ACA survives another day, and employers need to continue to operate as if it will be here to stay.

Proposed Bill Would Have Tackled Major Portions Of ACA

In a very visible effort to begin disassembling the ACA, the House of Representatives offered legislation aimed at significantly changing, although not completely repealing, the ACA. The House bill had intended to eliminate both the individual mandate and the employer mandate. While the individual mandate and the cost of insurance in the individual market was the main target, employers would have benefited from the repeal of the employer mandate in that they would have the flexibility to offer different benefit plan designs without the risk of a penalty.

After House leadership counted anticipated votes and determined that a formal vote was futile, the bill was pulled from consideration on Friday afternoon. The administration has indicated that it will now move on to other pressing matters at this time, including tax reform and infrastructure spending. However, early indications are that healthcare will still be a focus for the administration at some point in the future.

What Does This Mean For Employers?

For the immediate future, this means employers will continue to operate under the status quo when it comes to the ACA. Until there is a change in the law or regulations upon which employers can rely, employers should stay the current course, including:

1. Continuing with your current compliance strategy.
2. Continuing to document your efforts to comply with the law.
3. Planning to comply with the ACA for 2018.

If you have further questions about these developments or how they may affect your business, please contact any member of our Employee Benefits Practice Group, or your regular Fisher Phillips

attorney.

This Legal Alert provides an overview of proposed legislative action. It is not intended to be, and should not be construed as, legal advice for any particular fact situation.

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Jeffrey D. Smith
Partner
440.838.8800
[Email](#)

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