



Finding Clarity Amidst the Mud of the ACA and its Executive Order

It became official on Inauguration Day: the Trump Administration intends to make the ACA go away. It's no longer about the why. For employers saddled with compliance, the key considerations are focused on the when and the how as well as what to do in the interim.

Specifics regarding Executive Order entitled "Minimizing the Economic Burden of the Patient Protection and Affordable Care Act Pending Repeal" are widely available. From the Order we glean two realities that should garner the immediate and collective interest of employers, particularly large ones:

1. It wants to put a lid on fiscal burdens resulting from ACA-related costs, fees, taxes and penalties, but does so without naming employers among those burdened or specifically placing Employer Shared Responsibility in its cross hairs.
2. It does not alter the law as written and seemingly only looks to work around it and to look forward.

For employers, what is clear is that 2016 ACA reporting remains here to stay with all of the previously stated relief intact. While not guaranteed, we can also anticipate this relief to carry forward unless and until some seismic shift significantly alters the ACA's trajectory. So get your 2016 forms in on time and continue your efforts to identify and offer coverage to your full-time employees in a manner that complies with ACA rules. If you employ union employees, don't expect the conditions that gave rise to multiemployer plan relief to ever be solved with respect to reporting. On our end, we will continue to warehouse 2017 data and be prepared to use it to support the same or different future reporting obligations.

Given the proximity of the Executive Order to the income tax season, it also means individuals will likely remain subject to the individual mandate for 2016. Thus, employers and administrators are not out of the woods when it comes to educating employees about the Order (what it doesn't do) and about the role of the 1095. The Order itself actually complicates matters as it introduces the potential for new questions.

As far as what else or what's next goes, that's where the mud goes knee deep. What's clear for the moment is that we need to stick to what we know.

2016 ACA Reporting Deadlines

Form Issuance:

March 2, 2017

IRS Filing (Manual):

February 28, 2017

IRS Filing (AIR):

March 31, 2017

Questions?

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