ACA Replacement Plan: Easier Said Than Done
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3/28/2017

On Friday, March 24th, GOP leaders abruptly pulled their rewrite of the Affordable Care Act (ACA). President Donald Trump’s decision to not submit the American Health Care Act (AHCA) for a House vote was the final sign of the failed consensus and division that arose from the challenge of an ACA replacement plan. The ACA remains the law of the land, at least for the foreseeable future.

While the ACA has survived its greatest challenge yet, there is no question that it will not be the same as it was during the Obama administration. Instead, it will likely evolve under the new administration and the new executive agencies’ leadership. Some parts of the ACA will not be enforced by these agencies. Other parts of the ACA, like the Exchanges, may die if healthy individuals leave and insurers stop offering coverage. However, it may be years before that happens.

If Congressional lawmakers ever return to the drawing board to restart the repeal and replace initiative, it’s hard to say precisely what the next proposed ACA replacement plan will look like. Two things are quite clear, however:

1. Regardless of its policy prescriptions, attempting to repeal the ACA again will likely continue to be a difficult challenge for the new president and this Congress. That’s because the law has provided millions with coverage and people have enjoyed and become accustomed to its many benefits.

2. Despite any potential changes to the ACA, employers are still required to comply with it until a new law is passed that repeals it. Moreover, even if the ACA is completely repealed, employers must still comply with numerous other health and welfare laws and regulations that are already in place, including:

   - ERISA Form 5500 Filing and Summary Annual Report Requirements
   - ERISA Plan Document and Summary Plan Description Requirements
   - IRS Section 125/Cafeteria Plan Rules
   - IRS Nondiscrimination Rules
   - HIPAA Privacy and Security Rules
   - COBRA Notices and Related Rules
   - DOL Reporting and Disclosure Rules
   - Medicare Part D Requirements

Regardless of the ultimate fate of the ACA, last Friday’s dramatic development proves that developing a new ACA replacement plan will be a Herculean, time-consuming task. If another attempt is made to return to the drawing board, it certainly won’t happen...
overnight. For the time being, employers should continue complying with the ACA in the same way they did before the election and the introduction of the AHCA.

Corporate Synergies has developed an online navigation site to help employers keep abreast of the latest ACA news and updates. ACA(now) will provide status reports of legislative and regulatory changes to the ACA, as well as changes to the way the law is being enforced by the new administration and the executive agencies. Our new site focuses on what these changes mean for employers and employees, includes up-to-date news from reliable media sources, and provides links to Corporate Synergies’ compliance seminars, webinars, eAlerts and other valuable resources.

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