



## ACA COMPLIANCE – NOW WHAT?

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2017 has so far been marked by much noise but little action regarding healthcare reform. In May, the House narrowly approved the American Health Care Act (“AHCA”), which would repeal and replace several provisions of the Patient Protection and Affordable Care Act (also known as “ObamaCare”). Among other things, the AHCA would repeal marketplace subsidies, the expansion of Medicaid, and the coverage mandate penalties (both individual and employer) and replace them with a tax credit. The Senate took up the subject in July, but failed to pass a bill. Measures that were voted down included the Senate’s version of the AHCA, a “repeal-only” bill, and a so-called “skinny repeal.” The AHCA is still on the Senate calendar, but Congress is in recess at the time of this writing, and the chances of any legislation being enacted in the near-term that would repeal or amend the ACA appear to be slim.

### **What’s an Employer to Do?**

President Trump signed an executive order on Inauguration Day that instructed federal agencies to waive or defer parts of the ACA that would “impose a fiscal burden” on states, individuals or health care providers “to the maximum extent permitted by law.” The executive order presumed that Congress would pass a repeal bill in fairly short order. That has not happened, however, and the ACA remains the law of the land. The IRS, in a series of published informational letters, has confirmed that the executive order does not change the law and that the provisions of the ACA are still in force until changed by Congress.

Employers should continue to comply with the requirements of the ACA, including the employer mandate and the reporting responsibilities. Stay tuned for possible changes in that status. In the meantime, please contact me, Cynthia Boyle Lande, or your BrownWinick attorney if you have questions about your responsibilities under the ACA.

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