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Vic Saliterman • Oct. 23, 2017

The latest Senate legislation to repeal and replace the Affordable Care Act (ACA), known as Graham-Cassidy, was not put to a vote before the September 30th budget reconciliation deadline. While Republican leaders have signaled that they are not giving up on ACA repeal/replacement efforts, it is unlikely that the Graham-Cassidy bill would have been the legislative vehicle since 51 Senators, including all 48 Democrats and 3 Republicans, are publicly on record as opposing the revised version of the bill. The Senate was on a tight timeframe to pass the Graham-Cassidy Health

Care Reform legislation (H.R. 1628), proposed by Senators. Bill Cassidy (R-LA) and

the Republicans who had voiced opposition to Graham-Cassidy, tweeted "Now let's return to regular order – hearings, open debate, and amendments." It's important to remember, too, that the 2017 budget reconciliation 'instructions' allowing an ACA-related bill to pass in the Senate with 51 votes v. the usual 60 votes expired on September 30, 2017 at the conclusion of the government's fiscal year. If no ACA provisions are included in the fiscal 2018 budget reconciliation instructions, any ACA legislation will need to proceed using regular order and require at least 60 votes to pass in the Senate.

There will continue to be Health Care Reform activity in the form of regulations, additional legislation, and executive action. For example, on September 27th, President Trump stated, "I'll probably be signing a very major executive order where people can go out, cross state lines, do lots of things and buy their own health care, and that will probably be signed next week." The President continued, "It's being finished now. It's going to cover a lot of territory and a lot of people. Millions of people." President Trump seems to be supporting a move to allow insurers to sell policies across state lines and for people to be able to join a group or association to buy health coverage. Once the Executive Order is publicly released, the specifics will be clarified.

Employer Outlook

With Graham-Cassidy off the table for now and Congressional attention redirected to tax reform, the ACA and all its employer obligations remain in place. Employers need to continue making sure that their health plans follow ACA requirements and that all full-time employees, as defined by the ACA, are offered affordable health benefits (once again, as defined by the ACA) or face penalties. Applicable large employers (employers with 50 or more full-time and full-time equivalent employees) should be continuing their preparations for 2017 ACA annual reporting, as the reporting requirements for employers are unchanged, and IRS deadlines are fast

activities in Washington, D.C. and any state-related Health Care Reform efforts affecting employers to keep you apprised of changes. We will post future blogs as significant developments arise and you may also subscribe to receive *Eye on Washington* email updates by subscribing here.

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Vic Saliterman is SVP and General Manager for Health Care Reform at ADP.

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