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# Repealing Obamacare: / ACA: What's Next?

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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 30<sup>th</sup> 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 Lindsey Graham (R-SC), with a simple majority before the clock runs out on 2017 budget reconciliation.

[This article first appeared on the ADP Boost blog.](#)

## Washington Outlook

What's next? Bipartisan negotiations led by Republican Senator Lamar Alexander and Democratic Senator Patty Murray are restarting after being paused last week as focus shifted to the Graham-Cassidy proposal. Senator John McCain (R-AZ), one of 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 27<sup>th</sup>, 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 approaching. As a reminder, the due dates to file 2017 Forms 1094-C and 1095-C with the IRS are February 28, 2018 for paper filers and April 2, for electronic filers. Electronic filing is required for any applicable large employer filing 250 or more such forms with the IRS. Employers must furnish the [employee statement](#) (Form 1095-C) on or before January 31, 2018.

While the Administration and Congress will be turning their primary focus to tax reform in the coming months, there is likely to be both behind the scenes and out front actions affecting the ACA. ADP will, as always, continue to closely monitor key 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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