

EVENTS

The Affordable Care Act, Eight Years Later – A Reset for Employers

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Thursday, October 18th | 12:00–1:00 pm

The “Affordable Care Act” (or “ACA”), signed into law by President Obama in 2010, sought to reduce rampant double-digit medical inflation by making health insurance available and attainable for millions of United States citizens and legal residents. Because group health care programs offered through employment covered millions of employees, the ACA imposed mandates on employers, the types of which depended on whether such plans were “grandfathered” or “non-grandfathered” plans. Employers large and small have wrestled with the sheer scope of the ACA changes over the past 8 years. Such changes signed into law in 2010 included:

- Automatically enrolling employees in group health plan coverage if the sponsoring employer had more than 200 employees;
- Capping waiting periods on entry into an employer-sponsored group health plan at 90 days;
- Exposing employers with more than 50 full-time employees who offer something less than affordable minimum coverage group health care programs to “shared responsibility” penalties;
- Requiring employers that sponsor group health plans to offer “free choice” vouchers to certain employees;
- Limiting the amount of salary reduction contributions an employee can utilize annually in an employer-sponsored flexible spending account;
- Eliminating all lifetime and annual dollar limits that a group health plan could affix on certain “essential health benefits”;
- Eliminating pre-existing condition exclusions;

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EVENTS

- Mandating women's preventative health care benefits in non-grandfathered plans;
- Extending group health plan benefits to age 26 for all children eligible to participate as dependents of employees;
- Restricting the ability of a business to offer insured group health plans to highly-compensated employees or else risk paying an excise tax;
- A 40% excise tax on employer sponsors of so-called "Cadillac" plans;
- And many more!

Eight years later, and two years into a new and very different Administration, the actual landscape of the ACA applicable to employers has radically changed. What changed? Why? What must an employer do *today*? What legal challenges have employers faced as a result of the ACA's provisions?

The answers to these questions could help to improve your group health plan's compliance with the ACA as it now stands and to assist you in reducing litigation risk over ACA mandates and requirements.