

ACA Don't let your guard down

Impact of Executive Order on Plan Sponsors – not much at the present time

On January 20, 2017, President Trump signed an [Executive Order](#) - MINIMIZING THE ECONOMIC BURDEN OF THE PATIENT PROTECTION AND AFFORDABLE CARE ACT PENDING REPEAL . As you read through the Executive Order, the words "to the maximum extent permitted by law" appear at the beginning of most paragraphs. To greatly oversimplify, the Executive Order permits the various government agencies to delay the implementation, it doesn't repeal ACA. Regulations are issued and changed through a very long and sometimes arduous process starting with a proposed rule, time for public comment and then the final rule. Even when a final rule is issued, there can be delayed effective dates.

What can the new Administration do right now?

Possible actions include:

- Proposed regulations could be nixed.
- The effective date of final regulations could be delayed.

IRS issues Request for Employer Reporting of Offers of Health Insurance Coverage (Forms 1094-C and 1095-C)

The IRS has issued Form Letter 5699 (12-2016) to those employers it believes are Applicable Large Employers (ALE) and for whom the IRS has not received Forms 1094-C and 1095-C. A response is required within 30 days from the date of the letter. The answer requires the addressee to check one of five boxes:

- If the addressee was an ALE for 2015 they must indicate their name, EIN and date the Forms were filed
- Confirmation of ALE status in 2015 and an opportunity to attach the Forms if the ALE is not required to file electronically
- Opportunity to confirm ALE in 2015 status and promise to file the Forms within 90 days from the date of the letter. An explanation must be provided if the Forms will require more than 90 days to be filed.
- The addressee can indicate that it was not an ALE for 2015
- An "other" area to attach a statement explaining why you the required returns have not been filed and actions to comply.)

Bottom Line: Don't let your guard down. Plan Sponsors should carry on with ACA requirements until further notice.

Note: all links are active as of the date of issuance of this ErisaALERT.

Disclaimer: This material is for the sole purpose of providing general information and does not under any circumstances constitute legal advice and should not be used as a substitute for legal advice. You should seek the advice of counsel when applying the requirements to your plan. For more information on this ErisaALERT contact us by phone at 610-524-5351 and ask for Mary Andersen at ERISAdiagnostics, Inc. or 720-639-5499 and ask for Leanne Fosbre or 215-508-5629 and ask for Theresa Borzelli at SG&C