P4P Webinar: The Aftermath of the Supreme Court Decision: What’s Next?

July 10, 2012
The Supreme Court decision on health reform ...
... what does it mean for plan sponsors?
Agenda

- How did the court rule on the key issues?
  - Anti-Injunction Act
  - Challenge to the Individual Mandate (IM)
  - Challenge to Medicaid expansion

- What does it mean for plan sponsors?
  - Implementation of ACA requirements
  - State action
  - Congressional action
Focus of today’s webinar: practical implications; state and federal responses

Outcome not a surprise, but the court’s reasoning was not expected

*Amicus* brief filed by Council

- Court didn’t reach issue of severability
- Dissenting opinion embraced Council’s reasoning on employer responsibilities
How did the Court rule on Key Issues?

- Anti-Injunction Act
  - Can the court hear the case?
- Individual mandate
  - Is it constitutional?
- Medicaid expansion
  - Is it constitutional?
What’s Next: Regulations

- ACA provisions effective 2012 - 2013
  - Summaries of Benefits and Coverage (SBC)
  - W2 reporting on the value of health coverage
  - $2500 limit on health FSA
  - PCORI fee
What’s Next: Regulations

- Provisions effective 2014 and beyond
  - Employer shared responsibility (4980H)
  - Automatic enrollment
  - 90 day waiting period limit
  - Wellness plan incentive increase to 30%
  - High cost plan tax
What’s Next: State Issues

- **Exchanges**
  - Whether to establish exchanges or allow “federally-facilitated” exchanges

- **Medicaid Expansion**
  - Whether to expand Medicaid eligibility to 133% of FPL or “opt-out”
What’s Next: Congress

- Repeal vote in House on July 11
- Other efforts to thwart PPACA
  - Repeal selected provisions
  - Withhold funding
- Possible votes in House on “replace” proposals
- Possible votes in the Senate on repeal/replace
What’s Next: Congress

- Flexibility for states given Medicaid ruling and unpreparedness of insurance exchanges
- Wyden-Brown state waiver legislation
- Gov. Romney: Massachusetts law was a “state solution to a state problem”
For More Information
www.americanbenefitscouncil.org

Jim Klein
jklein@abcstaff.org
Kathryn Wilber
kwilber@abcstaff.org
(202) 289-6700