

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

**July 10, 2012**



**AMERICAN BENEFITS**  

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**COUNCIL**



# 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

# Introduction

- 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

The screenshot shows the homepage of the American Benefits Council. At the top left is the logo and the text "AMERICAN BENEFITS COUNCIL SHAPING THE WORLD OF CORPORATE BENEFITS POLICY". To the right is a search bar and a "Site Map/Index" link. Below this is a navigation menu with links for "ABOUT THE COUNCIL", "OUR ISSUES", "NEWS ROOM", "PUBLICATION LIBRARY", "RESOURCES", "CONTACT US", and "MEMBERS ONLY".

The main content area is divided into three columns:

- SPOTLIGHT ON:** A yellow box titled "Employers enter health care reform compliance phase". It contains text about the Council's work with employers and a list of links: "The Health Care Reform Issue Page", "A detailed implementation chart (members only)", and "The Council's Webinar Archive (members only)". A "details" button is at the bottom.
- LATEST NEWS:** A grey box titled "Council Files Amicus Brief in U.S. Supreme Court PPACA Case". It contains a quote from the brief and a link to read the full news release. "previous" and "more" navigation links are at the bottom.
- JOIN US!** A grey box titled "Become a Member". It describes the Council's mission and lists the types of programs members can sponsor. A "sign up" button is at the bottom.

Below the main content is a "OUR ISSUES" section with three columns:

- HEALTH:** "Health Care Reform (PPACA)" with a list of topics including Employer Shared Responsibility, Premium Tax Credit, Essential Benefits, Summary of Benefits, Health Insurance Exchanges, Claims and Appeals, and Preventive Care Coverage.
- RETIREMENT:** "Defined Contribution/401(k) Plan Reform" (Automatic Enrollment, Investments, Plan fees, Taxation of Retirement Plans/Limits) and "Defined Benefit Plans & PBGC" (Funding Reform).
- OTHER ISSUES:** "International Issues" (FACTA Issues, FBAR Issues, Puerto Rico Plans), "Electronic Disclosure", and "Executive Compensation".

At the bottom right is a "FOLLOW US ON TWITTER" section with the American Benefits Council Twitter handle and a tweet about pension plan underfunding.

Jim Klein  
jklein@abcstaff.org

Kathryn Wilber  
kwilber@abcstaff.org

(202) 289-6700