

Politics aside, it appears that President Obama's re-election means "full-speed ahead" for implementation of the Affordable Care Act. After months of pre-election silence, the Administration is expected to rapidly accelerate the release of time-sensitive ACA guidance. Topics of interest to employers and plan sponsors will include:

- Large employer penalties - how penalties will be calculated and assessed; minimum value and affordability standards
- Employer reporting requirements - what employment and coverage data will be reported, and when
- Individual mandate - when and how individuals will report coverage (or the lack of coverage); definition of "minimum essential coverage"
- Group health plan mandates - final guidance on existing mandates; initial guidance on 2014 mandates, including the 90-day waiting period
- Automatic enrollment - initial guidance on how large employers will automatically enroll eligible employees in health coverage
- Exchanges - which States will run their own Exchanges, which States will have Federally-facilitated Exchanges, how premium tax credits will work
- Insurance reforms - essential health benefits, actuarial value, reinsurance payments, rate-bands, risk pools, requirements for qualified health plans

Some believe that the impending fiscal cliff (tax rates, debt ceiling, sequestration) may drive both parties to a "grand bargain" that reduces federal deficits. Could such a bargain change or modify the ACA implementation schedule? In theory, anything is possible. But with Democrats controlling the Senate and Republicans controlling the House of Representatives, an equally likely result is no bargain and continued gridlock. In which case, the ACA will be implemented with little or no change.

We'll keep you informed as developments occur. In the meantime, do not hesitate to contact SBA with any questions.