



Question:

In light of President Trump's January 20, 2017 Executive Order regarding the ACA, what can employers and plan sponsors do now?

Answer:

For now, the Affordable Care Act (ACA) is still the law. Employers and plan sponsors must comply with its provisions.

President Trump's January 20, 2017 executive order directed his administration to take steps to repeal the Affordable Care Act (ACA). Because ACA is law, the executive action itself cannot repeal the law. It essentially just made repealing ACA a priority.

The executive order gave regulatory agencies direction to do what they can to help unravel the law. Regulations can be changed, but these changes must follow the Administrative Procedure Act, which requires notice-and-comment periods for proposed regulations. This process normally takes months, sometimes years.

There are, however, other ways regulatory agencies can make changes without going through a lengthy process. For example, federal agencies could extend compliance and enforcement dates. Or agencies could be more lenient in interpreting a hardship that gives an individual an exemption from the mandate to be covered by insurance.

Bottom line: The ACA is still standing, and employers must comply with its provisions as long as it remains the law.

Resources:

[Executive Order 13765 of January 20, 2017: Minimizing the Economic Burden of the Patient Protection and Affordable Care Act Pending Repeal](#)

[Administrative Procedure Act](#), Pub.L. 79-404, 60 Stat. 237, enacted June 11, 1946

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