

The Road to 2014: ACA Considerations for Individuals



The Road to 2014

- ACA considerations for employers (2.28.2013)
 - https://www.morganlewis.com/pubs/EB_Webinar_RoadTo20
 14_ACAConsiderationsForEmployers_28feb13.pdf
- ACA considerations for group health plans (3.12.2013)
 - http://www.morganlewis.com/pubs/EB_ACAConsiderationsG roupHealthPlans_12march13.pdf
 - Podcasts for both at http://www.morganlewis.com/podcasts
- ACA considerations for individuals (today)
 - Who must have coverage?
 - When are individuals eligible for Exchange subsidies?
 - Should some reject employer coverage?

The Road to 2014

- The Road to 2014 is still under construction, and will be for years to come (not to mention patches and possible road widening in future years)
 - But, we have a good idea where the road is going, and how to get to 2014
 - Expect some detours along the way—and perhaps even some dead ends
- We'll all have to make some educated guesses along the way
 - Don't expect too many more significant regulations
 - Expect to hear, along the way, "Off Route: Recalculating" on occasion!

The Road to 2014

- Today's objective:
 - Determine who must have coverage in 2014
 - What coverage counts?
 - Any new taxes?
 - Review when subsidies are available under the Exchange
 - Investigate when it may be useful to reject employer coverage

- Basically, starting 1.1.2014, almost all Americans
 - Individual, spouse & federal tax dependents (whether claimed or not)
 - Special rules for adoptions and timing
 - Exemptions for:
 - Religious conscience
 - Must have been in existence since 12.31.1950
 - Health care sharing ministry
 - Must have been in existence since 12.31.1999

- Incarceration
 - Confinement pending disposition of charges is not incarceration; incarceration for one day exempts entire month
- Exempt noncitizens
 - Nonresident aliens
 - Not lawfully present
- Indian tribes
- No federal tax filing required due to low income
- Living abroad
- U.S. Territory resident

- Deceased during the month
- Short coverage gaps
 - Less than 3 months
 - Complicated rules
 - One gap per year exempted
- Hardship
 - With respect to capability to obtain coverage

- No affordable coverage
 - Required contribution exceeds 8% of current household income
 » Household income increased by pre-tax premiums
 - Measured by single Ee premium or family premium for employer coverage (with special dual employment rule); lowest cost bronze exchange coverage that would cover all family members minus subsidy if ineligible for employer coverage
- Some exemptions available only through Exchange; some only through federal income tax return; some are available through both

What Coverage Counts?

- Must be, technically, "minimum essential coverage" such as:
 - Employer-sponsored coverage
 - Including insured and self-insured coverage, COBRA, retiree coverage, spousal coverage, grandfathered plans, and governmental plans
 - Individual coverage
 - Medicare
 - Medicaid

What Coverage Counts?

- CHIP
- Veterans coverage
- TRICARE
- Student health coverage
- Does not include specialized coverage such as coverage for excepted vision care or dental care, hospitalization, specific disease coverage, on-site clinics, etc.
- Coverage for one day satisfies monthly obligation

Do I Have to Pay Any New Taxes?

- Yes—if not exempt and fail to obtain minimum essential coverage
 - Calculated each month
 - Lesser of:
 - Sum of monthly penalty for each individual, or
 - Sum of national average bronze premiums for each individual (this serves as a penalty cap on, practically, higher income individuals)

Do I Have to Pay Any New Taxes?

- Monthly penalty = greater of flat dollar amount or excess income amount
 - Flat dollar amount = \$95/\$325/\$695 annual per individual
 (to max. of three individuals)
 - Amount reduced by ½ for individuals under age 18
 - Indexed starting after 2016
 - Excess income amount = 1%/2%/2.5% of annual income over filing threshold
- Disclosed through 2014 federal tax return
 - Will receive statement from employer/insurer

Do I Have to Pay Any New Taxes?

- Payable upon notice and demand by the Secretary of Treasury
 - Cannot file notice of lien or levy
 - Not subject to criminal prosecution or penalty
 - Can offset refund
 - Joint liability, if joint filing
 - Even if one spouse exempt

Exchange Coverage and Subsidy

- Individuals are eligible for subsidized Exchange coverage when:
 - Income between 100%-400% of Federal poverty level

2013 Federal Poverty Level Annual Income							
*	100%	133%	150%	200%	250%	300%	400%
1	\$11,490	\$15,282	\$17,235	\$22,980	\$28,725	\$34,470	\$45,960
2	\$15,510	\$20,628	\$23,265	\$31,020	\$38,775	\$46,530	\$62,040
3	\$19,530	\$25,975	\$29,295	\$39,060	\$48,825	\$58,590	\$78,120
4	\$23,550	\$31,322	\$35,325	\$47,100	\$58,875	\$70,650	\$94,200
*Number of Family Members – add \$4,020 for each additional family member at 100%							

Exchange Coverage and Subsidy

- Do not qualify for Medicare or Medicaid
- Are not offered employer coverage that is affordable and provides minimum value
 - Affordability is 9.5% of least expensive single employee coverage—whether single or family coverage
 - Declining such coverage ends eligibility

Should Individuals Ever Decline Employer Coverage?

Yes, if:

- Employer coverage is not affordable or does not provide minimum essential coverage (because electing such coverage will still end subsidy for Exchange coverage)
- Individual's income generates sufficient subsidy under Exchange versus cost of employer plan
- Exchange coverage is a better value than employer coverage

Should Employers Make Changes in How Coverage is Offered?

- Questions for further consideration:
 - Should employers no longer provide coverage automatically?
 - Should employers charge for coverage and make it voluntary?
- Remember, if an employee has affordable minimum essential coverage that he or she does not want, it might impact on the ability to receive subsidy

Questions?

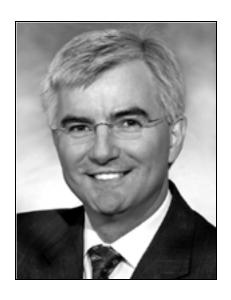
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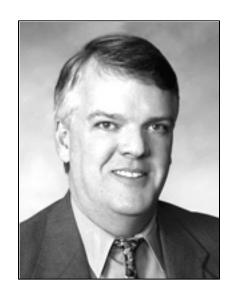
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