

Kaya Bromley Talks About Large Businesses, Obamacare and Why Act Now

John K Arnold May 25, 2014



Kaya Bromley

Large Businesses are facing new healthcare legislation. The rules have changed. What used to work does not work any longer. Businesses face challenges and opportunities. Learn about your strategic opportunities from Obamacare strategist Kaya Bromley.

(NewsWire.net -- May 25, 2014) -- Kaya Bromley is a prominent attorney, speaker, author, business owner and celebrity authority on Obamacare strategies. She is uniquely qualified in that she has worked closely with her clients on implementation since Obamacare passed.

By taking care of the basics her clients have been able to implement strategies where instead of the legislation causing increased costs, Obamacare has become a profit center for her clients. I had the opportunity to interview her and to preview her new book. It is the second book she has written on the subject. She brings into her work and business relationships the insight she has gained over her years as an attorney and as successful business owner.

John: "Kaya, what would you say is the biggest mistake large employers are making when it comes to Obamacare?"

Kaya: "There are quite a few mistakes and bad assumptions being made. I would say the biggest one is not taking action early on. When I say 'early' with my clients, we started as soon as the bill passed. There is no more time to delay. The time to plan is now. You have to get the basics down before you can start thinking and planning your strategies. Your actions or inactions this year directly impact your obligations and penalties over the next few years."

John: "How could you and why would you start back then? We are still hearing discussions on what the legislation is about and what the best options for them. What benefit is it to work on plans and strategies when much is still in dispute?"

Kaya: "Legislation always takes time and evolves. That is the norm. One thing is not in dispute. The legislation is in place and was upheld as constitutional by the US Supreme Court. Large businesses, those with 50 or more full-time and full-time equivalent employees, have already missed out on strategic planning that will impact them for years to come."

John: "The time when businesses need to implement plans was extended to 2015. Doesn't that mean they now have plenty of time to get things done?"

Kaya: "No, not at all. If you did not already start, your ship may have sailed on some strategies. For example, in the February 2014 guidance from the IRS, we were told that any effort to reduce your workforce hours to avoid the employer mandate will be ignored. Instead, workforce reductions will only be recognized if it was done for legitimate business purpose such as downsizing or marketplace economics. Workforce reductions by managing down to part-time was a viable strategy for many employers, but only if they started it a long time ago."

John: "In your work with your clients have you been their legal counsel and how does that position relate to the strategies you talk about?"

Kaya: "In my career I have worked for large law firms and I have had and do have my own businesses. This puts me in a position where I see my clients businesses as a business owner would see a business. No one knows their business better than the owner. What I find happening is the owners and I get together and brainstorm for solutions. This is the time when new strategies are being created. The rules have changed and it is no longer business as it has been. My clients are actively involved with me."

John: "There are things to comply with starting in 2015 so what would motivate them to move faster? Wouldn't they be wasting time and money on options that may not work? "

Kaya: "The government will fund much of healthcare reform including the enforcement by the IRS with tax money. That money will come from taxes and fines on employers. The Congressional Budget Office estimated those fines and taxes will exceed \$130 billion over the next ten years. The IRS is actively hiring thousands of new agents just for this purpose. Many businesses will find out too late they don't have the necessary documentation in exactly the way the IRS wants to see it. This can and will mean that some companies will be fined \$2000 or \$3000 per employee per year or even possibly \$100 per employee per day. The fines are serious and the impact on a business can be very serious."

John: "Can you give me a specific example of something a company should be or should have been doing that could cause a problem?"

Kaya: "Employers have to track full time and part time employees, provide proof of hours of service and provide legislatively mandated notices. There is nothing that will get a business into hot water faster than making changes in their hiring practices and in their employees' full time/part time status without the proper documentation and legal advice."

John: "Is there anything that you would say is being talked about that if improperly done would be a huge problem for a business?"

Kaya: "Yes, there are many massively expensive pitfalls for the unwary or ill-prepared employer. The easiest to plan for but the one with the biggest potential for risk is what I refer to as Penalty A. If you are a large employer and you do not offer insurance to every single full-time employee and just one of those employees gets a subsidy or tax credit on the insurance exchange, you could be penalized \$2,000 per employee per year for every single full-time employee working for you, less the first 80 in 2015. Think about it."

John: "What specific guidance would help employers right now?"

Kaya: "The sooner a business starts planning the better. Every business has a learning curve and every business is different. One thing is the same for all businesses, however. That is that the time to act is now."

She can be reached for consultations and speaking engagements at

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