Health and Welfare and Fringe Benefit Plan Compliance, Administration and Funding

Rapidly changing regulatory guidance, paired with premium increases that are twice the rate of inflation, create challenges for sponsors of health and welfare and fringe benefit plans. Recognized nationwide for creative ERISA counsel, we leverage experience in human resources, consulting and the Internal Revenue Service to develop practical solutions to the tough issues faced by plan sponsors and fiduciaries. Our work with insurers, third-party administrators and other plan service providers gives us unique insight into the industry and keeps us nimble and ahead of emerging trends.

Strategic guidance for plan sponsors and administrators

Plan design, documentation and funding are just the beginning. We work closely with clients on their ongoing operational concerns that affect the bottom line, including strategies for cost containment and improving population health.

Our clients include plan sponsors of all types and sizes — from Fortune 500 to closely held businesses and tax-exempt entities, whether fully insured or self-funded. We work with clients who hail from virtually every sector — education, healthcare, manufacturing, hospitality, technology, media, government and industry associations. Katten's varied experience means that we've just about seen it all, although we work most frequently with:

- Amendments and termination
- Claims and appeals
- Collectively bargained plans
- Data and privacy security
- Documentation and governance

- Funding with Voluntary Employees' Beneficiary Association (VEBA) and Code Section 115 government trusts and restructuring overfunded VEBA trusts
- IRS, Department of Labor (DOL) and Centers for Medicaid and Medicare Services (CMS) penalties, filings and audits
- Litigation trends and management
- Multiple Employer Welfare Arrangements (MEWAs), Taft-Hartley multiemployer plans, and association and municipal cooperative health plans
- Participant communications and disclosures
- Private letter rulings and determination letters
- Prohibited transaction individual exemptions and DOL advisory opinions
- Retiree-only plans
- Self-funding
- Third-party administrator and stop-loss contracts

Practical guidance for plan administration and risk prevention

A steady stream of new rules can mean that plan fiduciaries don't know what they don't know. We lead plan sponsors and administrators through the complex administrative requirements of their health and welfare and fringe benefit plans. We keep ahead of emerging trends and compliance requirements to address sponsors' spectrum of concerns on:

- Amendments and termination
- Claims and appeals
- Collectively bargained plans
- Data and privacy security
- Documentation and governance
- Funding with Voluntary Employees' Beneficiary Associations and Code Section 115 government trusts
- IRS, Department of Labor (DOL) and Centers for Medicaid and Medicare Services (CMS) penalties, filings and audits
- Litigation trends and management
- Multiple Employer Welfare Arrangements, Taft-Hartley multiemployer plans, and association and municipal cooperative health plans
- Participant communications and disclosures
- Private letter rulings and determination letters

- Prohibited transaction individual exemptions and DOL advisory opinions
- Retiree-only plans
- Third-party administrator and stop-loss contracts

Strategic direction for insurers, third-party administrators and other service providers

Our robust practice representing plan service providers keeps us at the forefront of product development and industry trends. We collaborate across the firm on insurance and healthcare regulatory matters to apply an integrated approach and bring current market knowledge to bear when working with key industry players, including:

- Brokers
- Consultants
- Insurers
- Third-party administrators
- Healthcare providers engaged in direct employer contracting

Whether offering advice on new product development, fiduciary status and responsibility; guiding on reporting and disclosure obligations; or securing advisory opinions, private letter rulings or IRS determination letters, we emphasize clear communication, creativity and compliant practices.

Recognitions

Recognized or listed in the following:

- *Best Law Firms*
  - Municipal Law
    - Chicago, 2014–2027
      New York, 2027
  - Public Finance Law
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    - National, 2013–2027
      Chicago, 2011–2027
      New York, 2024–2027
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