

# SOLUTIONS FOR HEALTH AND WELFARE BENEFITS

## UNRAVELING THE COMPLEX CHALLENGES FACING EMPLOYERS

NIXON PEABODY PARTNERS  
WITH CLIENTS TO  
DESIGN HEALTH AND  
WELFARE PLANS THAT  
ARE COMPLIANT WITH  
PERPETUAL LEGISLATIVE  
AND REGULATORY  
CHANGES AND THAT  
DELIVER ADVANCED  
SOLUTIONS FOR EMPLOYERS  
AND EMPLOYEES.

With each passing year, the number of laws governing health, life, disability, and other welfare benefit plans continues to grow. At the same time, existing laws have undergone dramatic changes, becoming more complex. Even a well-intentioned employer can quickly find itself enmeshed in this confusing patchwork of federal, state, and even local regulations.

Nixon Peabody's Health and Welfare Benefits team helps employers respond to and unravel the complex challenges facing employers in this area. Our attorneys have guided employers through various compliance issues and requirements for decades. For several years, one of our attorneys even managed the U.S. health and welfare benefits programs for a Fortune 500 company.

Drawing on their experience, Nixon Peabody's Health and Welfare Benefits team can align a client's business objectives with the company's corporate culture in a practical and cost-effective manner. By working collaboratively and proactively with clients, our attorneys implement innovative and cost-saving plan designs that minimize the likelihood of lawsuits against welfare benefit plans and their sponsors.

### **Employer-sponsored plans (including single employer, multiemployer, and multiple employer plans)**

- Serve as outside general counsel on full plan administration services concerning group health plans, other welfare benefit plans, and cafeteria plans
- Design group health plans, other welfare benefit programs, and wellness programs
- Provide guidance regarding federal health care reform legislation, including compliance with the employer "play or pay" mandates
- Represent plans before the DOL, IRS, and other agencies in connection with audits and regulatory actions
- Conduct specialized compliance audits on a range of issues, including ERISA, COBRA, and HIPAA, and even state-governed domestic partner/civil union legislation



# SECTOR-WIDE SERVICE OFFERINGS

Our Health and Welfare Benefits team provides a range of services that covers more aspects of the sector than most any other law firm.

- Prepare, review, and negotiate administrative service agreements with third-party administrators and other plan vendors
- Prepare and review a wide array of plan documents and amendments, including standalone plans and wrap plans for welfare plans, and non-ERISA tax-advantaged plans like vacation purchase programs, commuter benefits, and tuition benefits
- Prepare and review open enrollment materials, annual notices, summary plan descriptions, summaries of material modifications and similar employee communications
- Assist with plan reporting and disclosure requirements, such as Department of Labor Forms 5500 and M-1, and IRS Forms 1094-C and 1095-C

## Insurance companies, third-party administrators and insurance brokerages

- Assist with product development and operational compliance to ensure that plan vendors are offering compliant, value-added services to their employer clients
- Conduct training
- Draft administrative service agreements and template plan documents and SPDs

## Taft-Hartley Plans compliance

- Advise the board of trustees, their administrative staff, and related professional advisors on overall compliance matters
- Create, amend, dissolve, and merge benefits plans
- Work cooperatively with third-party administrators and other plan providers on actuarial issues, administration, data processing, and investment matters
- Resolve government audits and investigations

## Transaction counsel

- Provide specialized due diligence assistance and counsel on welfare benefit matters

## Client-focused approach

Nixon Peabody's Employee Benefits team is dedicated to keeping our clients informed of important legislative, regulatory, and judicial developments. More significantly, we understand the importance of distilling technical changes in the law down to practical advice for our clients. We do so through live briefings, webinars, electronic benefits alerts, and other communication modes that meet our clients' needs.

## ABOUT NIXON PEABODY LLP

At Nixon Peabody, we see 21st century law as a tool to help shape our clients' futures. We are constantly thinking about what is important to our clients now and next so we can foresee obstacles and opportunities in their space and smooth the way. We work together to handle complex challenges in litigation, real estate, corporate law, intellectual property and finance anywhere in the world.

## HEALTH AND WELFARE BENEFITS TEAM:

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