



THE WAGNER LAW GROUP

Welfare Benefit Plans

Our Expertise

Our welfare benefits group has extensive knowledge and experience in all aspects of health and welfare and fringe benefit plans, and is especially adept in helping employers and other clients maintain their plans in compliance with state and federal requirements. Our attorneys routinely work on matters involving ERISA, COBRA, FMLA, HIPAA nondiscrimination and privacy rules, the Affordable Care Act ("ACA"), No Surprises Act ("NSA"), transparency and other health plan provisions of Consolidated Appropriations Act, 2021 ("CAA 2021"), Mental Health Parity and Addiction Equity Act ("MHPAEA"), Genetic Information Nondiscrimination Act ("GINA"), Americans with Disabilities Act ("ADA"), Mental Health Parity Act ("MHPA"), and the Medicare Secondary Payer ("MSP") rules.

Services include:

- Design, administration and compliance for all types of health, welfare and fringe benefit plans, including:
 - Wrap plans
 - Group health plans
 - Wellness plans
 - On-site wellness services
 - Retiree health plans
 - Life insurance and death benefit plans
 - Long and short term disability plans
 - Voluntary employees' beneficiary associations (VEBAs)
 - Cafeteria plans, including:
 - Premium conversion plans
 - Health and dependent care (flexible spending account) plans
 - Other Section 125 arrangements



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- Health reimbursement account plans
 - Health savings accounts
 - Severance pay plans
 - Transportation benefit plans
 - Educational assistance plans
 - Adoption assistance plans.
 - Employee assistance plans.
- Drafting of plan documents, summary plan descriptions, HIPAA privacy manuals, required notices and forms, and review of provider documents utilized by clients
 - Review and negotiation of third-party administrator, pharmacy benefit manager and other provider agreements
 - Welfare plan fiduciary responsibility analysis
 - Analysis of rules for handling plan assets in welfare plans
 - CAA 2021 and other transparency requirements
 - MHPAEA compliance
 - Regulatory compliance issues, including:
 - Nondiscrimination testing and coverage
 - HIPAA privacy reviews
 - Determination letters for VEBA's.
 - Termination of welfare and fringe benefit plans, including termination and winding down of VEBA's
 - Reporting and disclosure, including preparation or review of annual reports (Form 5500), ACA reporting requirements, summary plan descriptions and other employee communications
 - IRS Forms 1024 and 990 for VEBA's
 - IRS and Department of Labor audits, examinations and investigations
 - Employee benefit plan issues in mergers, acquisitions and other corporate transactions
 - Assistance with IRS Audits and DOL Investigations and other agency actions.



The clients of our Welfare Benefits Group include:

- Employers of all sizes and in all industries, including tax-exempt organizations, and governmental agencies and instrumentalities
- Multiple employer plans (MEPs)
- Taft-Hartley plans
- Insurance brokers and consultants
- Third party administrators
- Professional and trade associations
- VEBA's and VEBA trustees
- Plan participants and beneficiaries.

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