



Our ERISA Health Group

Our ERISA health care attorneys have assembled decades of experience from U.S. and foreign law firms, federal regulators and international consulting firms. Our work in this health care area includes the following:

- ERISA Health Plan Fiduciary Training
- Health Plan Internal Benefit Appeal Protocols
- Health Plan Arbitration Provisions
- Cybersecurity Contractual Review
- IRS/DOL Audit Protection
- Health Plan ERISA Governance Analysis
- Mental Health Parity
- Voluntary Employees' Beneficiary Associations (VEBAs)
- ERISA D&O Coverage Review
- HSAs, HRAs, FSAs, AHPs
- Reporting & Disclosure
- Plan Documentation & Employee Communications
- Digital Innovation Compliance & Policy Statements
- Wrap Plans
- Alternative Benefits Structure

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ERISA Health Plan Compliance

ERISA Fiduciary Protection Programs

The Issue

All employer-sponsored health plans are subject to ERISA regardless if insured or self-funded. With increasing frequency, courts and regulators are shifting their focus to the strict fiduciary standards of ERISA for health and welfare plans.

The Risk

ERISA fiduciary litigation regarding plan fees and expenses that has dominated the retirement plan industry is now aggressively targeting health and welfare plans. ERISA imposes personal liability on an employer's Board of Directors, C-Suite and other employees for fiduciary breaches. D&O insurance often does not provide protection.

How We Can Help

Employers as health plan sponsors, insurers and service providers will need to sharpen their focus on ERISA governance and compliance. Our ERISA health care attorneys have developed fiduciary protection programs and audits that identify and remedy risks before they lead to expensive and time-consuming litigation and audit.

About Us

Crowell & Moring is an international law firm with approximately 550 lawyers representing clients in transactional, regulatory, litigation, and arbitration matters. The firm is internationally recognized for providing innovative approaches to legal and business challenges, as well as creative alternative fee arrangements that demonstrate its personal investment in its clients' success. The firm has also been recognized for its ongoing commitment to *pro bono* service and diversity. Crowell & Moring has offices in Washington, D.C., New York, Los Angeles, San Francisco, Orange County, London, and Brussels.

ERISA Cybersecurity & Digital Innovation

The Issue

From Cybersecurity to Digital Innovation, compliance with ERISA for insured and self-insured health plans is necessary to protect plan fiduciaries from personal liability and fulfill their duties to plan participants.

The Risk

The rapid development of new technologies which are then tied to health plans and related services, combined with the cost to plan participants through premiums or other expenses creates new areas of fiduciary concern and liability under ERISA. These new technologies carry with them heightened potential for cyber-breaches and ERISA concerns beyond HIPAA.

How We Can Help

Together with our Cybersecurity and Digital Innovation Groups, our ERISA health care attorneys focus on the contractual and governance safeguards necessary to ensure that employers and other fiduciaries meet their duties under ERISA and avoid costly risks and personal liability.