HEALTH AND WELFARE PLAN SOLUTION

ORRICK

Our Team

Orrick has an elite and pragmatic team of Compensation and Benefits lawyers and legal analysts who are experts in the most important areas of employee benefits law. We are a one-stop destination practice for a wide range of clients, including financial institutions, investment managers and other financial service providers, as well as many public and private companies. Because of our expertise and experience, we often provide "start to finish" employee benefits solutions on a fixed-fee basis, which permits predictability of budgeting.

Orrick's Compensation & Benefits team is recognized for the following:

- Offering a single point of contact for the highest quality U.S. executive compensation and global equity advice
- Providing start to finish solutions on a fixed-fee basis
- Being a destination practice for clients

Our Health and Welfare Plan Practice

Compliance. With the recent enactment of health care reform legislation, the compliance challenges affecting health and welfare plans have become increasingly urgent and complex. We help our clients anticipate and navigate the shifting landscape of health and welfare benefit plan regulation, including health care reform guidance and regulations governing cafeteria plans, COBRA and HIPAA.

Best Practices. We partner with our clients to develop best practices for health and welfare benefit plan compliance. We assist our clients with understanding their fiduciary obligations and responsibilities under ERISA with respect to health and welfare benefit plan participants and vis-à-vis insurance companies acting as insurers (in connection with fully-insured plans) or third-party administrators (in connection with self-funded plans). We work with our clients to negotiate agreements, such as pharmacy benefit management agreements and benefits administration agreements, with vendors and other third-party administrators. We help our clients conduct internal audits to determine areas of inefficiencies and develop solutions, such as implementing wrap plans, to maximize regulatory compliance and efficient plan administration. We maintain an up-to-date database of plan forms, such as wrap plans, cafeteria plans and associated Summary Plan Descriptions, to ensure that we do not "reinvent the wheel" when we are called upon to assist with drafting and establishing new plans. We further assist our clients with establishing model QMSCO procedures and reviewing QMSCOs.

New Legislation. We also advise on the myriad health care laws and regulations affecting welfare benefit plans including the Newborns' and Mothers' Health Protection Act, the Mental Health Parity Act and the Women's Health and Cancer Rights Act. We are also often called on to provide advice regarding funded welfare benefit trusts, sometimes called voluntary employee beneficiary associations (VEBAs), split-dollar life insurance products, and the tax aspects of providing welfare benefits to domestic partners.

HIPAA Compliance. We are very familiar with HIPAA compliance requirements and counsel our clients on HIPAA requirements and documentation, such as notices of privacy practices. We understand the implications for our clients of recent HIPAA-related legislation, such as the HITECH Act. We work with our clients to negotiate updated business associate agreements with their many vendors.

For further information regarding our health and welfare plan practice, please contact Sarah Downie at 212-506-5234 or sdownie@orrick.com. For further information regarding Orrick's compensation and benefits practice, and for descriptions of other areas of our practice, such as executive compensation and global equity, please contact Jonathan Ocker, compensation and benefits practice group chair, at 415-773-5595 or jonocker@orrick.com.