

Health, Welfare & ACA Compliance

Miller & Chevalier's Health, Welfare & ACA Compliance practice provides compliance, policy, and litigation assistance covering all aspects of health and welfare benefits, including the ACA; wellness program design and implementation; cafeteria plans; COBRA; ERISA; HIPAA privacy, security, and breach rules; health savings accounts (HSAs); and general plan administration and tax issues for employer-sponsored health and welfare benefits and individual and group health insurance coverage.

We provide a full range of legal assistance in the health and welfare arena, with ACA implementation, compliance, and controversy our predominant focus. The team regularly assists clients on all aspects of the ACA, including health insurance market reforms, health insurance Exchanges, the "Three Rs" premium stabilization programs, the complex web of rules governing wellness programs, and the ACA's unique and varied enforcement regime. In addition, our clients frequently seek our advice on the tax-related provisions of the ACA including employer shared responsibility (or "pay-or-play") requirements, Cadillac tax rules, information reporting obligations, and health insurer fees and taxes.

With the entire team based in our Washington, DC office, our ACA practice offers clients an "inside the Beltway" approach that relies on a combination of our unparalleled substantive expertise and ready access to and relationships with the regulators and Congress. Our litigators have extensive experience representing large employers, health insurers, employee benefits plans, and ERISA plan participants. Our legislative and policy attorneys work regularly with Congress members and staff, and various regulatory agencies (including Treasury, IRS, DOL, HHS, the EEOC, and other regulatory bodies). Many of our attorneys have extensive prior government experience with these same agencies.

Representative Engagements

- Retained by a consortium of more than 35 U.S. health insurance companies to provide ongoing analyses of various ACA provisions and implementation issues. Our team of attorneys has provided swift advice to the clients on a wide range of topics, in the form of an initial planning call, a detailed written memorandum, a follow-up teleconference discussion, and in many cases, a written set of answers to frequently asked questions.
- Provide ongoing assistance on all aspects of ACA implementation to a number of large employers in a wide range of industries and geographic locations, including a major Silicon Valley technology companies, large financial institutions, quasi-federal governmental entities, energy companies, restaurant chains, and retail outlets.
- Prepared a comprehensive white paper addressing legal issues implicated by employer-sponsored wellness programs, including federal nondiscrimination requirements and related penalties under HIPAA and the ACA, and the application of other federal and state laws.
- Assisted a health insurer in restructuring its governmental lines of business, in order to take advantage of an ACA exemption that resulted in a significant reduction in the company's annual insurer fee liability under ACA § 9010.
- Advised several large employers and insurance carriers on a wide range of ACA reporting issues, including SSN/TIN solicitation requirements.
- Prepared extensive written comments, and testified before the IRS and Treasury Department, regarding the numerous challenges that insurers and employers face in soliciting and reporting SSNs/TINs of covered individuals.

Government Experience

- Deputy Associate Solicitor, Office of the Solicitor, U.S. Department of Labor
- Senior Trial Attorney, Office of the Solicitor, U.S. Department of Labor
- ERISA Counsel, Regional Office of the Solicitor, U.S. Department of Labor
- ERISA Trial Attorney, Regional Office of the Solicitor, U.S. Department of Labor

Rankings and Recognition

- *Chambers USA*: Employee Benefits & Executive Compensation Team of the Year, 2015
- *Chambers USA*: Employee Benefits & Executive Compensation (Nationwide), 2015 - 2022
- *Chambers USA*: ERISA Litigation (Nationwide), 2015 - 2022
- *Chambers USA*: Employee Benefits & Executive Compensation (District of Columbia), 2008 - 2022
- *Legal 500*: Employee Benefits & Executive Compensation Team of the Year (U.S.), 2015
- *Legal 500*: Labor & Employment: Employee Benefits, Executive Compensation, and Retirement Plans – Design, 2010 - 2020

- *Legal 500*: Labor & Employment: ERISA Litigation (U.S.), 2012 - 2022
- *U.S. News - Best Lawyers*[®] "Best Law Firms": Employee Benefits (ERISA) Law (National), 2013 - 2022
- *U.S. News - Best Lawyers*[®] "Best Law Firms": Employee Benefits (ERISA) Law (District of Columbia), 2010 - 2022