

# WELFARE BENEFIT PLANS

## EMPLOYEE BENEFITS

Welfare benefit plans provide employers with important tools for employee recruitment, retention, and performance. Cafeteria plans allow employers to offer their employees a choice in the benefits they receive while also allowing employees to pay their share of the cost on a pre-tax basis. This results in considerable savings to employees at a relatively low cost to the employer.

The attorneys at Hinkle Law Firm LLC have extensive experience in preparing plan documents for welfare benefit plans and cafeteria plans. Under federal law, employers who offer these benefits to their employees are required to have a written plan document (usually something other than an insurance policy or contract).

Because we practice in all areas of employee benefits law, we can keep our clients abreast of the ever-changing rules and regulations pertaining to welfare benefit plans, thus ensuring they remain in compliance with local, state, and federal laws. This broad expertise sets us apart and allows us to meet the needs of any employer, whether it be a large corporation or a small “mom and pop” business.

### PLAN DOCUMENTS

We draft plan documents for all types of welfare benefit plans, including:

- Medical, dental, and vision plans
- Prescription drug plans
- Group term life insurance plans
- Health flexible spending account plans
- Dependent care spending account plans
- Employee assistance plans
- Long- and short-term disability plans
- Accidental death & dismemberment plans
- Dependent life insurance plans
- Cancer insurance plans
- Educational assistance plans
- Health reimbursement arrangements (“HRAs”)
- Individual Coverage HRAs

We provide the plan documents and other supplemental material so that employers remain in compliance with the complex maze of ever-changing rules and regulations. Importantly, the plan documents we draft ensure the employer’s right to amend or terminate the plan, as may be required.

(continued on back)



At Hinkle Law Firm, our experience gives you the power to do good business with your eyes open. With Hinkle, there’s no reason to look anywhere but forward.

**Wichita Office**  
1617 N. Waterfront Parkway  
Suite 400  
Wichita, KS 67206  
316.267.2000

**Kansas City Office**  
Lenexa City Center – Penn I  
8711 Penrose Lane  
Suite 400  
Lenexa, KS 66219  
913.345.9205

**Topeka Office**  
800 SW Jackson  
Suite 1520  
Topeka, KS 66612  
316.267.2000

As part of our plan drafting package, we provide the following documents necessary to comply with the laws governing employee welfare benefit plans:

- Plan documents in compliance with ERISA and the Internal Revenue Code (including cafeteria plan rules)
- Summary plan descriptions
- Benefit election and salary reduction forms
- Cafeteria plan election change forms
- COBRA initial notice
- COBRA “reasonable” procedures
- QMCSO procedures

In addition, we prepare the following on an as-needed basis:

- HIPAA medical privacy notice
- HIPAA medical privacy policies and procedures
- Voluntary Employees Beneficiary Association (VEBA)
- COBRA election notice

### **ONGOING SUPPORT**

With ever-changing rules regarding welfare benefit plans – health care reform is just the latest example – and with your plan documents in place, our attorneys are available on an ongoing basis to answer any questions you may have regarding your welfare benefit plans. A hallmark of our practice is our dedication to promptly respond to inquiries and resolve problems. We can support employers in many ways, including the following:

- Legal review of Qualified Medical Child Support Orders (QMCSOs)
- Legal review of administrative services agreements
- Legal review of insurance policies and benefit descriptions to ensure compliance with all applicable laws:
  - ADA
  - FMLA
  - Title VII
  - ADEA
  - USERRA compliance
  - HIPAA medical privacy and security compliance
  - Policies and procedures
  - State discrimination laws
  - COBRA compliance, including notices and election forms
- Performance of the legally required nondiscrimination testing
- Performance of controlled group analysis where clients own or control multiple entities that have employees
- Advice regarding cafeteria plan election change rules