

HEALTH AND WELFARE BENEFIT PLANS NATIONAL INSTITUTE

October 26 and 27, 2026

AGENDA

MONDAY (DAY 1) October 26, 2026

8:15–8:50 **REGISTRATION AND CONTINENTAL BREAKFAST** (*Non-CLE*)

8:50–9:00 **WELCOME REMARKS** (*Non-CLE*)

Co-Chairs:

Alden J. Bianchi, *SBMA LLC, San Diego, CA*

Jason P. Lacey, *Palmieri & Eisenberg, Wichita, KS*

Vanessa A. Scott, *EisnerAmper, Washington, DC*

Carolyn M. Trenda, *McGuireWoods LLP, Chicago, IL*

9:00–10:00 **SHOW ME THE DATA: WHAT HEALTH PLAN FIDUCIARIES NEED TO EVALUATE THEIR SERVICE PROVIDERS**

Health plan fiduciaries have a duty to prudently select and continuously monitor the service providers who administer their plans—yet many fiduciaries struggle to identify what data they should be reviewing and where to find it. This session cuts through the noise and maps out the full landscape of available data sources, including claims utilization reports, pharmacy rebate transparency data, network adequacy metrics, industry benchmarking surveys, and vendor-specific performance scorecards. Presenters will explain how each data source fits into a comprehensive fiduciary evaluation process, highlight common blind spots, and offer practical guidance on how attorneys can help their clients build a documented, defensible approach to vendor selection and ongoing oversight.

Moderator: **Alden Bianchi**, *General Counsel, SBMA LLC*

Speakers: **Kim Wilcoxon**, *Partner, Thompson Hine LLP*

Sarah Raaij, *Partner, McDermott, Will & Schulte*

Julie Selesnick, *Founder & Principal Attorney, Health Plan Legal Counsel PLLC*

10:00–11:00 **PRESSING THE PBMS: PRICING, CONTRACTING & ANTICIPATING WHAT'S NEXT**

Every day seems to bring a new piece of news about pharmacy benefit managers (PBMs) – state laws, federal law, pending litigation – but, what, practically, is there to do now? In this session we will briefly review how PBMs work and changes we can expect to PBM agreements due to the Consolidated Appropriations Act, 2026 (CAA 2026). We will also explain some key terms in PBM agreements, which will continue to play an important role for determining the price a plan pay for drugs, even after the CAA 2026 rules apply, such as: (1) key definitions, (2) impact of repricing events, (3) clear terms for various fees and (4) indemnity provisions and limitations on liability.

Moderator: **Carolyn Trenda**, *Partner, McGuireWoods LLP*

Speakers: **Mary Powell**, *Director, Trucker Huss*
Eileen Pincay, *National Pharmacy Practice Leader, Segal*
Victoria Allen, *Senior Counsel, Benefits & Compensation, Transamerica*

11:00–11:15

11:15–12:15 MIND THE GAP: WHAT TPAS WANT BENEFITS ATTORNEYS TO UNDERSTAND ABOUT PLAN OPERATIONS

There is often a disconnect between how benefits attorneys draft and negotiate plan documents and service agreements and how third-party administrators operationalize those terms on the ground. This presentation brings TPA professionals to the table to share the operational realities that frequently surprise—or frustrate—both sides of the relationship. Topics include how TPAs negotiate provider discounts and network access, the hidden complexities of claims administration, the interplay between plan design choices and administrative feasibility, and the metrics that actually drive TPA performance. Attorneys who advise plan fiduciaries and settlors will leave with a more nuanced understanding of TPA operations, better strategies for contract negotiations, and practical tools for counseling clients on plan governance and vendor management.

Moderator: **Vanessa A. Scott**, *Benefits and Exec Comp Lead, EisnerAmper*
Scott D'Aunoy, *Associate Practice Leader, Director of Consulting, HUB International*
Joanne Roskey, *Deputy General Counsel, Health & Welfare Plans, National Rural Electric Cooperative Association*

12:15–1:30 LUNCHEON ADDRESS (Non-CLE)

Speaker: **Katy Johnson**, *President, American Benefits Council, Washington, D.C.*

1:30–2:15 BEYOND TRADITIONAL HEALTH INSURANCE: ERISA CONSIDERATIONS FOR ALTERNATIVE FUNDING ARRANGEMENTS

As healthcare costs continue to rise and employers search for greater transparency, flexibility, and control, alternative funding strategies have become an increasingly important part of the employee benefits landscape. Join our panel of ERISA and health benefits practitioners for an interactive discussion of emerging approaches to financing welfare benefit plans and the legal, regulatory, and fiduciary considerations that accompany them. This program will explore the opportunities and risks associated with a range of alternative funding arrangements, including group medical stop-loss captives, reference-based pricing (RBP) models, limited benefit and MEC/MEC+ programs, and voluntary benefit solutions. Panelists will examine how these arrangements are structured, the extent to which they shift or retain risk, and the compliance challenges they present under ERISA, the Affordable Care Act, state insurance laws, and related federal requirements. The discussion will also address practical considerations for employers, brokers, consultants, and service providers evaluating alternatives to traditional fully insured group health coverage.

Moderator/Speaker: **Alden Bianchi**, *General Counsel, SBMA LLC*
Speakers: **Carrie B. Cherveny**, *Senior Vice President, PEO & Alternative Risk, HUB International*
Peter J. Marathas, Jr., *Alera Group, Inc.*

2:15–3:00 NO SURPRISES ACT (NSA) UPDATE: THE EVOLVING IMPACT ON EMPLOYER-SPONSORED PLANS

In the six years since enactment of the NSA, we have seen a dizzying array of regulatory guidance and litigation, combined with the emergence of an entirely new dispute resolution process that has produced some unexpected and controversial outcomes. Where do we stand today, and what does it all mean for employer-sponsored plans? This session will review the latest guidance and discuss the practical implications for employer-sponsored plans and their service providers in navigating this evolving landscape.

Moderator: Jason Lacey, *Partner, Palmieri & Eisenberg*

Speakers: Alden Bianchi, *General Counsel, SBMA Benefits*
Shira McKinlay, *Partner, Thompson Hine LLP*

3:00-3:15 **BREAK** (*Non-CLE*)

3:15-4:15 **HOT TOPICS IN HEALTH AND WELFARE PLAN LITIGATION**

Litigation over health and welfare benefits continues to have an important influence on the development of the law affecting health and welfare benefit plans. Our expert panel will review some of the more significant recent court decisions and offer predictions for future trends in ERISA litigation.

Moderator: Vanessa A. Scott, *Benefits and Exec Comp Lead, EisnerAmper*

Speakers: Brock J. Specht, *Attorney, Nichols Kaster PLLP*
Mark Nielsen, *Attorney, Groom Law Group*

4:15-5:15 **ETHICAL CONSIDERATIONS FOR HEALTH AND WELFARE BENEFIT PLAN LAWYERS**

(*Ethics Session*)

Attorneys working with health and welfare benefit plans encounter many unique ethical questions and challenges. This lively and interactive session will address ethical issues of particular interest to health and welfare benefit plan attorneys, as well as recent developments in legal ethics generally, all using relatable scenarios imbued with a suitable dose of humor and sarcasm. Topics will include use of AI and technology in legal practice, conflicts of interest, attorney-client privilege, and more.

Moderator/Speaker: Jason Lacey, *Partner, Palmieri & Eisenberg*

Christina Crockett, *Managing Counsel, Toyota North America*
Stacey Rice, *Benefits Attorney, Cargill, Inc.*

5:15-6:30 **RECEPTION** (*Non-CLE*)

TUESDAY (DAY 2) October 27, 2026

8:15–8:45 **REGISTRATION AND CONTINENTAL BREAKFAST** *(Non-CLE)*

8:45–9:45 **A VIEW FROM THE HILL**

This panel of tax and employee benefits experts will share their insider insights on the happenings on the Hill affecting health and welfare benefit plans, as well as views on proposed and pending legislation – perhaps even sharing some prognostications on what may happen next.

Moderator: **Carolyn Trenda**, *Partner, McGuireWoods LLP*

Speakers: **Heather Meade**, *Principal, Ernst & Young*

9:45–10:45 **IRS/TREASURY UPDATE**

The past year has delivered a steady stream of guidance reshaping health and welfare plan compliance. Join IRS and Treasury officials for an interactive deep dive into the most significant developments, including a discussion of enforcement priorities and real-time Q&A.

Moderator: **Vanessa A. Scott**, *Benefits and Exec Comp Lead, EisnerAmper*
Kevin Knopf, *Senior Technician Reviewer, Office of Chief Counsel, Internal Revenue Service (Invited)*
Christa Haas Bierma, *Associate Benefits Tax Counsel, U.S. Department of the Treasury (Invited)*

10:45–11:00 **BREAK** *(Non-CLE)*

11:00–12:00 **DEPARTMENT OF LABOR UPDATE**

We will be joined by representatives of the Department of Labor to discuss topics of current interest to the Department of Labor relating to health and welfare plans, including audit and enforcement priorities and recent guidance.

Moderator: **Jason Lacey**, *Partner, Palmieri & Eisenberg*

Speakers: **Elizabeth Schumacher**, *Deputy Director, Division of Regulations and Standards, Office of Health Plan Standards and Compliance Assistance, Employee Benefits Security Administration, U.S. Department of Labor (Invited)*

12:00–1:15 **LUNCH** *(Non-CLE)*

Speaker: **Amy Turner**, *Deputy Director, Policy for the Innovation Center, Centers for Medicare and Medicaid Services (CMS), (Invited)*

1:15–3:30 **CONCURRENT BREAKOUT SESSIONS**

1:15–2:15 **1A) DECODING INSURANCE COMMISSIONS: AN INSIDER'S GUIDE FOR ERISA PRACTITIONERS**

When plan fiduciaries select insurance products for their benefit plans, they are often unaware of the complex web of compensation arrangements between carriers and the consultants who recommend them. This panel of insurance industry and consulting professionals will de-mystify commission structures—from base commissions and persistency bonuses to revenue-sharing and contingent compensation—and explain how these arrangements may create conflicts that ERISA fiduciaries must evaluate. Attendees will learn practical strategies for counseling clients on due diligence, fee benchmarking, and the fiduciary implications of undisclosed or misunderstood compensation.

Moderator/Speaker: **Kim Wilcoxon**, *Partner, Thompson Hine LLP*

Speakers: **Robyn Crosson**, *VP Gov't Relations, Navitus Health Solutions*
Joe Jurewicz, *SVP Pharmacy Consulting, Alliant*

1B) FAMILY BUILDING BENEFITS

Employer-sponsored family building benefits have expanded rapidly, creating new legal and compliance challenges. This program will examine the legal framework governing benefits related to fertility treatment, surrogacy, adoption, and other family-building programs, with a particular focus on ERISA, the Affordable Care Act, and the Internal Revenue Code. We will explore how these benefits fit within (and outside of) existing employee benefit plan structures, the tax treatment of various arrangements. The session will also address common design and administration pitfalls, emerging trends in the marketplace, and unresolved legal questions that practitioners should monitor.

Moderator: **Carolyn Trenda**, *Partner, McGuireWoods LLP*

Speakers: **Juliana Reno**, *Partner, Venable LLP*

1C) DOUBLE DIPPING/INDEMNITY PRODUCT WHACK-A-MOLE

Employers continue to face aggressive marketing of programs that promise payroll tax savings through wellness-related arrangements that purport to generate both employee and employer FICA tax reductions. While these programs are often presented as innovative wellness strategies, they raise important questions under ERISA, the Internal Revenue Code, cafeteria plan rules, wage and hour laws, and IRS payroll tax guidance. Join our panel of employee benefits, tax, and compliance practitioners for a candid discussion of so-called “double-dipping” FICA-driven programs and the legal and fiduciary issues they present. The program will address how FICA-driven wellness programs are marketed and structured; what ERISA welfare plan and cafeteria plan requirements are implicated; and what questions employers and fiduciaries should ask before considering implementation. Panelists will explore how these arrangements are typically structured, the representations commonly made in the marketplace, potential IRS and DOL scrutiny, fiduciary and disclosure concerns, and practical considerations for employers evaluating these opportunities.

Moderator: **Alden Bianchi**, *General Counsel, SBMA LLC*

Speakers: **Katie Amin**, *Principal, Groom Law Group*
Seth Peretta, *Principal, Groom Law Group*

2:15–2:30 **BREAK** (*Non-CLE*)

2:30–3:30 **2A) REASSESSING VOLUNTARY BENEFITS**

Voluntary benefits have long been an after-thought in the employee benefits regulatory and compliance landscape, but recent litigation has thrust them into the spotlight, prompting renewed focus – and potential concern that these routine offerings could punch above their weight in terms of potential risk exposure. This session will reassess the practical issues presented by voluntary benefits in light of the recent litigation. What role do voluntary benefits play in a menu of benefit offerings? When does the non-ERISA safe harbor really apply? What should plan sponsors be doing to properly review and negotiate voluntary benefits? How much risk do voluntary benefits present and how can that risk be mitigated? Our panelists will consider these questions and more and welcome your input in this interactive breakout setting.

Moderator: Jason Lacey, *Partner, Palmieri & Eisenberg*

Speakers: Alexia Faraguna, *Partner, McGuireWoods LLP*
Melissa McGrory, *Partner, Foley & Lardner*

2B) HELP! MY HEALTH AND WELFARE ASSETS ARE TRAPPED! USE OF FORFEITURES, VEBAS AND 401(H) ACCOUNTS AND FIDUCIARY CONCERNS

Many group health plan sponsors are currently confronted with pools of "trapped assets" — funds that have accumulated in various benefit-related vehicles but remain underutilized or inaccessible without careful planning. This session will explore the practical strategies and legal considerations involved in identifying and deploying these trapped assets to offset employer health plan costs. The panel will examine issues regarding plan forfeitures, overfunding in Voluntary Employees' Beneficiary Associations (VEBAs), and excess assets held in Code Section 401(h) accounts, including the tax implications, the rules governing employer access to surplus funds, and the fiduciary considerations that arise. Throughout the session, panelists will highlight common compliance pitfalls, recent regulatory developments, and best practices for plan sponsors seeking to maximize the value of these often-overlooked asset pools.

Moderator: Carolyn Trenda, *Partner, McGuireWoods LLP*

Speaker: Will Fischer, *Attorney, Groom Law Group*
Katie Amin, *Principal, Groom Law Group*

2C) NEW AND IMPROVED? CODE SECTION 129 AND ACCOUNT BASED BENEFITS

Tax-preferred account-based plans – such as those provided under Code Section 129 (DCAPs), 223 (HSAs) and 125 (Cafeteria Plans) have had a myriad of different types of guidance governing them through the years – statutory language, regulations (proposed and final), Q&As, and sometimes – a noted absence of guidance. This session will focus on the latest developments in this space and how plan sponsors offer and administer these benefits with an eye towards maintaining compliance.

Moderator: Vanessa A. Scott, *Benefits and Exec Comp Lead, EisnerAmper*

Speakers: Beth Mandel, *Partner, Thompson Hine LLP*
Kristy Buckley, *Shareholder, Buckley Maxwell Dixon Dolezal*

3:30

ADJOURN

NATIONAL INSTITUTE FACULTY

Victoria Allen, *Senior Counsel, Benefits & Compensation, Transamerica, Washington, D.C.*
Katie Amin, *Principal, Groom Law Group, Washington, D.C.*
Alden J. Bianchi, *SBMA LLC, San Diego, CA*
Christa Haas Bierma, *Associate Benefits Tax Counsel, U.S. Department of the Treasury, Washington, D.C. (Invited)*
Kristy Buckley, *Shareholder, Buckley Maxwell Dixon Dolezal, Bozeman, MT*
Carrie B. Cherveney, *Senior Vice President, PEO & Alternative Risk, HUB International, Jupiter, FL*
Christina Crockett, *Managing Counsel, Toyota North America, Plano, TX*
Robyn Crosson, *VP Gov't Relations, Navitus Health Solutions, Indianapolis, IN*
Scott D'Aunoy, *Associate Practice Leader, Director of Consulting, HUB International, Metairie, LA*
Alexia Faraguna, *Partner, McGuireWoods LLP, Charlotte, NC*
William Fischer, *Attorney, Groom Law Group, Washington, D.C.*
Katy Johnson, *President, American Benefits Council, Washington, D.C.*
Joesph Jurewicz, *SVP Pharmacy Consulting, Alliant, New York, NY*
Kevin Knopf, *Senior Technician Reviewer, Office of Chief Counsel, Internal Revenue Service, Washington, D.C. (Invited)*
Jason P. Lacey, *Palmieri & Eisenberg, Wichita, KS*
Beth Mandel, *Partner, Thompson Hine LLP, Cincinnati, OH*
Peter J. Marathas, Jr., *Chief Legal Officer, Alera Group, Inc., Hanover, MA*
Melissa McGrory, *Partner, Foley & Lardner, Chicago, IL*
Shira McKinlay, *Partner, Thompson Hine LLP, Washington, D.C.*
Heather Meade, *Principal, Ernst & Young, Washington, D.C.*
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Seth Peretta, *Principal, Groom Law Group, Washington, D.C.*
Eileen Pincay, *National Pharmacy Practice Leader, Segal, New York, NY*
Mary Powell, *Director, Trucker Huss, San Francisco, CA*
Sarah Raaii, *Partner, McDermott, Will & Schulte, Chicago IL*
Juliana Reno, *Partner, Venable LLP, New York, NY*
Stacey Rice, *Benefits Attorney, Cargill, Inc., St. Paul, MN*
Joanne Roskey, *Deputy General Counsel, Health & Welfare Plans, National Rural Electric Cooperative Association, Washington, D.C.*
Vanessa A. Scott, *EisnerAmper, Washington, D.C.*
Julie Selesnick, *Founder & Principal Attorney, Health Plan Legal Counsel PLLC, Washington, DC*
Brock J. Specht, *Attorney, Nichols Kaster PLLP, Minneapolis, MN*
Carolyn M. Trenda, *McGuireWoods LLP, Chicago, IL*
Amy Turner, *Deputy Director, Policy for the Innovation Center, Centers for Medicare and Medicaid Services (CMS), Washington, D.C. (Invited)*
Kimberly Wilcoxon, *Partner, Thompson Hine LLP, Cincinnati, OH*