



## Steven C. Mindy

Partner

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### *Related Services*

Employee Benefits & Executive Compensation ■ ERISA Litigation ■ Tax ■ HIPAA/Health Information Privacy, Security & Breach Response ■ Health & Welfare Plans

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*Clients call on Steven for optimal advice when dealing with employee benefits issues such as health and welfare plan operations, MEWAs, and HIPAA. He draws on his experience as a federal law enforcement officer to represent plans and employers during criminal and civil investigations and audits. He resolves clients' issues with maximum efficiency, helping to keep their costs as low as possible.*

Steven Mindy focuses his practice on employee benefits and ERISA litigation related to health and welfare benefits and on privacy and security laws and regulations that impact benefit plans. He works extensively on issues related to wellness programs, health savings accounts (HSAs), flexible spending accounts (FSAs), and transportation fringe benefits, including the laws applicable to plans and their service providers when using new technology like mobile devices, apps, and wearables.

Steven has extensive experience with data security and privacy laws and regulations impacting benefit plans and their vendors. He frequently helps entities comply with breach and security incident notification requirements under HIPAA and other privacy laws. He also assists HIPAA-covered entities and business associates respond to audits and investigations by federal and state agencies that regulate data privacy and security.

Steven has a deep understanding of ERISA's plan-asset rules, trust requirements, and prohibited transaction exemptions. He frequently advises on issues related to multiple employer welfare arrangements (MEWAs), voluntary employees' beneficiary associations (VEBAs), and multiemployer plans. Steven also advises financial institutions, insurance companies, and nonbank trustees on HSA matters, including compliance with the Department of Labor's fiduciary rule.

### *Publications & Presentations*

#### **Publications**

- "ACA, HIPAA and Federal Health Benefit Mandates: Practical Q&A: A Texas Court Says the ACA Is Unconstitutional! What Does It Mean? Perhaps Back to the Future, But Nothing For Now," *The Self-Insurer*, March 2019.
- "ACA, HIPAA and Federal Health Benefit Mandates: Practical Q&A: A Texas Court Says the ACA Is Unconstitutional! What Does It Mean? Perhaps Back to the Future, But Nothing For Now," *The Self-Insurer*, March 2019.
- "ACA, HIPAA and Federal Health Benefit Mandates: Practical Q&A: Agencies Pump New Life Into CDHC With HRA Guidance," *The Self-Insurer*, February 2019.
- "ACA, HIPAA and Federal Health Benefit Mandates: Practical Q&A: Legislative Update: Recap of 2018 Employee Benefit Provisions," *The Self-Insurer*, January 2019.

- “ACA, HIPAA and Federal Health Benefit Mandates: Practical Q&A: Benefit Compliance Issues That Arise In Connection With Employer Sponsored Clinic Arrangements: Part Two,” *The Self-Insurer*, December 2018.
- “ACA, HIPAA and Federal Health Benefit Mandates: Practical Q&A: Benefit Compliance Issues That Arise In Connection With Employer Sponsored Clinic Arrangements: Part One,” *The Self-Insurer*, November 2018.
- “ACA, HIPAA and Federal Health Benefit Mandates: Practical Q&A: Passage of House Bills Warrants A Fresh Look At Health Savings Accounts – Part Two,” *The Self-Insurer*, October 2018.
- “ACA, HIPAA and Federal Health Benefit Mandates: Practical Q&A: Passage of House Bills Warrants a Fresh Look At Health Savings Accounts – Part One,” *The Self-Insurer*, September 2018.
- “ACA, HIPAA and Federal Health Benefit Mandates: Practical Q&A: DOL Issues Final Regulations for Association Health Plans: Real Opportunity for Small Employers or Much Ado About Nothing,” *The Self-Insurer*, August 2018.
- “ACA, HIPAA and Federal Health Benefit Mandates: Practical Q&A: DOL Issues Comprehensive Compliance Guidance for Mental Health Parity and Addiction Equity Act (MHPAEA),” *The Self-Insurer*, June 2018.
- “ACA, HIPAA and Federal Health Benefit Mandates: Practical Q&A: IRS QSEHRA Guidance Leaves Many 'Gotchas' for the Unwary Small Employer,” *The Self-Insurer*, May 2018.
- “ACA, HIPAA and Federal Health Benefit Mandates: Practical Q&A: AHP Opportunities for Small Employers and Business Owners,” *The Self-Insurer*, March 2018.
- “ACA, HIPAA and Federal Health Benefit Mandates: Practical Q&A: Wellness Program Incentives and Recent Litigation,” *The Self Insurer*, February 2018.
- “How to make sure an HSA avoids ERISA,” *The Tax Advisor*, September 28, 2017.
- “IRS Notice 2015-87 Provides Much-Needed Guidance Regarding Account-Based Plans and ACA Employer Shared Responsibility Requirement (IRC 4980H),” *ECFC Flex Reporter*, March 2016.
- “IRS Guidance Creates New Burdens for Exchanges and Other Defined Contribution Health Care Arrangements,” *HealthCare Consumerism Outlook 2016*, Annual 2016.

## Education

- State University of New York at Buffalo (J.D., 2008)
- Nazareth College (B.A., 1997)

## Admitted to Practice

- New York
- District of Columbia