



## SIIA RELEASES WHITE PAPER ON ERISA PREEMPTION

**T**he Self-Insurance Institute of America, Inc. (SIIA) has released a comprehensive white paper providing an overview how ERISA is structured and enforced, key Federal and State level, and its importance for self-insured group health plans. SIIA's white paper is both an ongoing member resource, as well as an important educational and advocacy tool.

The Employee Retirement Income Security Act (ERISA) is the key Federal law that governs the provision of employee benefits offered to workers employed by private-sector companies, non-profit institutions, and labor unions. As the 50th anniversary of the enactment of ERISA nears, it is more important than ever that policymakers adhere to the original intent of the law: Ensuring that self-insured health plans are subject to a uniform Federal system of regulation, instead of a "patchwork" set of requirements established by different States.

The most recent effort to erode ERISA has come from States attempting to lower drug costs by regulating Pharmacy Benefit Managers (PBMs). Emboldened by the Supreme Court decision in *Rutledge v. Pharmaceutical Care Management Association*, there have been well over 100 bills introduced across 43 States that sought to regulate PBMs. However, many of these proposals go further than targeting PBM-related practices and the cost of prescription drugs by mandating that a self-insured plan change their plan structure, design, and/or administration, which has a direct impact on an ERISA-covered plan. In these instances, the Supreme Court has traditionally found that these types of State laws are preempted by ERISA.

Despite the ebbs and flows of States attempting to erode ERISA and court rulings interpreting ERISA's preemption provision, ERISA's preemption powers have withstood the test of time. However, with the continued assault on ERISA, the self-insurance industry must remain vigilant in our defense of ERISA preemption and its ability to maintain a uniform set of regulations for self-insured plans.

To request a copy of the white paper, please contact Ryan Work at [rwork@siia.org](mailto:rwork@siia.org) ■