

Susan Nash Weighs in on Cross-Plan Offsetting

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Employee Benefits & Executive Compensation Partner Susan Nash was quoted in Law360's article "[5 Tips as High Court Awaits UnitedHealth Offsetting Petition](#)" published on March 8. The article features tips for employers as UnitedHealth petitions the U.S. Supreme Court to take up an ERISA case that hinges on cross-plan offsetting, a method of recovering overpayments. Cross-plan offsetting refers to when an insurer or third-party administrator withholds payments to a provider for services rendered under one plan to recover what it believes was an overpayment to that provider from another plan.

On the topic of third-party administrators, Susan recommends that employers should determine whether they can opt out of cross-plan offsetting without giving up other kinds of overpayment recovery. She notes that early conversations with vendors suggest that might not be possible for some administrators.

"When employers can't opt out of cross-plan offsetting, they might consider seeking indemnification for potential legal liabilities in their contracts with administrators as the issue makes its way through the courts," Susan said.

Susan is highly regarded nationally in the area of health care reform and health and welfare benefits. She assists employers with their health care reform strategy and compliance with laws affecting group health plans.

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