



Amy Gordon

Partner

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Amy focuses her practice on welfare benefits including the Health Insurance Portability and Accountability Act (HIPAA) privacy components, the Employee Retirement Income Security Act (ERISA), the Public Health Service Act, the Internal Revenue Code, the Affordable Care Act (ACA) and its replacement legislation, and related federal and state laws and regulations. Amy is a fellow of the American College of Employee Benefits Counsel.

Amy regularly advises clients on their self-funded and insured health plans, wellness programs, and on-site clinics. She also works with service providers to structure these products for their plan customers. She handles fiduciary issues, including prohibited transactions and other ERISA Title I matters and represents clients before the U.S. Department of Labor, Employee Benefits Security Administration. She assists on-shore and off-shore investment funds in structuring their products to comply with the plan asset rules, or to avoid plan asset fund status. She is knowledgeable and provides guidance to master and feeder funds, VCOCs, and REOCs.

Amy assists clients and service providers in designing and maintaining compliant flexible benefit, life, medical, dental, pharmacy, employee assistance programs (EAP), educational assistance, disability, supplemental health, severance, health savings accounts (HSAs), health reimbursement accounts (HRAs), and other types of voluntary or ERISA covered welfare plans. She also consults with clients regarding the design of their plans, direct provider contracting options, and assists with compliance of wellness programs and initiatives. She has extensive experience

with assisting clients who transition their employees and/or retirees to the public and private Marketplace Exchanges.

Amy also provides guidance on unique funding arrangements (e.g. VEBA's, 401(h) accounts and captives) involving retiree benefit plans, including Financial Accounting Standards Board (FASB) liability issues.

Previously, Amy served as in-house counsel to Prudential Financial, formerly Prudential Insurance Company of America. She advised Prudential on its current and new products, including long-term and short-term disability, health insurance, life insurance, guaranteed products, individual retirement accounts (IRAs), voluntary products, and pension plan investments. She also represented the company in various fiduciary and prohibited transaction matters. Before that, she worked in the New York Regional Office of the Department of Labor, Employee Benefits Security Administration (EBSA), formerly the Pension and Welfare Benefits Administration (PWBA). During her EBSA tenure, she prepared a number of high-profile civil and criminal litigation actions brought by the Department of Labor and the U.S. Attorney's office.

Key Matters

- Implemented employer on-site clinics
- Designed HIPAA compliance from beginning to end, including guidance on HIPAA breaches
- Represented clients before U.S. Department of Labor, Employee Benefits Security Administration
- Transitioned clients to private exchanges
- Issued VCOC opinion letters
- Advises on funds that are Plan Asset funds and those that are VCOCs, REOCs or under 25%

Recent Experience

London Innovation...

The Sterling...

Siebert Williams...

Recognitions

- *The Best Lawyers in America*®, Employee Benefits Law, 2022–2024
 - *The Legal 500 U.S.*, “Key Lawyer” in Employee Benefits, Executive Compensation and Retirement Plans, 2021–2023
 - *Chambers USA*, 2020–2023
 - *The Legal 500 U.S.*, 2018
 - *JD Supra Readers’ Choice Award*, Top Author, 2016–2017
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Activities

- Fellow, American College of Employee Benefits Counsel
 - Member, American Bar Association
 - Member, Worldwide Employee Benefits Network
 - Member, U.S. Chamber of Commerce Employee Benefits Committee
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Credentials

EDUCATION

Amy received her B.S. in Finance from Pennsylvania State University in 1988, and she received her J.D. from Hofstra University Maurice A. Deane School of Law in 1991.

ADMISSIONS

- New Jersey
- Illinois
- New York

LANGUAGES

- Spanish

Related Insights & News

Speaking Engagements & Publications

- [“Private Equity Compliance With ERISA: Navigating Manager Fiduciary Duties for Funds Holding ERISA Plan Assets”](#) (April 2024)
- [Recent Developments Highlight the Need for Fiduciary Attention to Health Plan Fees](#), Benefits Blast Blog (February 2024)
- [Federal Poverty Level Announced for 2024—What Does This Mean for Employer Shared Responsibility Rules?](#), Benefits Blast Blog (February 2024)
- [Department of Labor Increases Civil Penalties for Non-Compliance](#), Benefits Blast Blog (February 2024)
- [Benefits Bulletin – DOL Final Independent Contractor Rules and Benefit Plans](#), Benefits Blast Blog (January 2024)
- [U.S. Department of Labor’s New Proposed Fiduciary Guidance Impacts IRA Rollover Advice and Legacy PTEs](#), Benefits Blast Blog (November 2023)
- [Retirement and Health & Welfare Plan Contribution and Benefit Limits Announced for 2024](#), Benefits Blast Blog (November 2023)
- [Winston & Strawn LLP: Benefits Bulletin – IRS Increases PCORI Fees Payable in 2024](#), Benefits Blast Blog (October 2023)
- [Departments Release Proposed Mental Health Parity Regulations: Key Changes for Employers](#), Benefits Blast Blog (August 2023)

- [WA Cares Fund: Mandatory Deductions Will Begin July 1, 2023](#), Benefits Blast Blog (June 2023)
- [Benefits Bulletin: Health & Welfare Plans](#) – Benefits Blast Blog (May 2023)
- [Employee Benefit Plan Health and Welfare Updates](#) - Benefits Blast Blog (April 2023)
- [IRAs, Investment Advice, and the Department of Labor - Important Takeaways](#), Benefits Blast Blog (February 2023)
- [Looming Deadline for Pharmacy Reporting](#), Benefits Blast Blog (January 2023)
- [IRS Permanently Extends Deadline for Furnishing Forms 1095-C and 1095-B to Individuals](#), Benefits Blast Blog (December 2022)
- [DOL Finalizes Latest Iteration of ESG & Proxy Guidance](#), Benefits Blast Blog (December 2022)
- [IRS Increases the PCORI Fee](#), Benefits Blast Blog (November 2022)
- [S. Department of Labor Proposes Changes to the QPAM Exemption](#), Benefits Blast Blog (August 2022)
- [Benefits Bulletin: Health & Welfare Plans – August 2022](#), Benefits Blast Blog (August 2022)
- [Roe v. Wade Overturned: Implications for Plan Sponsors](#), Benefits Blast Blog (June 2022)
- [Benefits Bulletin: Health & Welfare Plans – May 2022](#), Benefits Blast Blog (May 2022)
- [DOL Letter Clarifies 2020 Letter on Private Equity in Defined Contribution Plans](#), Benefits Blast Blog (February 2022)
- [Benefits Bulletin: Health & Welfare Plans – February 2022](#), Benefits Blast Blog (February 2022)
- [Benefits Bulletin: Health & Welfare Plans - January 2022](#), Benefits Blast Blog (January 2022)
- [Premium Incentives for Vaccination Status](#), Benefits Blast Blog (October 2021)
- [Enforcement Delays for Group Health Plan Compliance](#), Benefits Blast Blog (August 2021)
- [Agencies Begin Providing Rules for No Surprises Act Implementation](#), Benefits Blast Blog (July 2021)
- [The ACA Survives Its Most Recent Challenge](#), Benefits Blast Blog (June 2021)
- [IRS Releases Guidance on COBRA Subsidies](#), Benefits Blast Blog (May 2021)
- [IRS Releases Guidance on Taxation of Dependent Care Benefits Subject to Extended Carryover or Grace Period](#), Benefits Blast Blog (May 2021)
- [New Cybersecurity Guidance Applicable to Employee Benefit Plan Contracting](#), Benefits Blast Blog (April 2021)
- [New Options for Affordable Health Coverage Under the American Rescue Plan Act](#), Benefits Blast Blog (March 2021)
- [CAA Benefits Alert: Flexible Spending Account Guidance Clarifies Application of Consolidated Appropriations Act Changes](#), Benefits Blast Blog (March 2021)
- [Tri-Agencies Clarify Outbreak Period Relief Due to COVID-19](#), Benefits Blast Blog (February 2021)
- [The EEOC Issues New Proposed Wellness Guidance – Is It The Cure We Have Been Waiting For?](#), Benefits Blast Blog (January 2021)
- [CAA Benefits Alert: New Compliance Guidance and MHPAEA Action Items for Insurers and ERISA Covered Benefit Plans under the Consolidated Appropriations Act](#), Benefits Blast Blog (January 2021)
- [CAA Benefits Alert: Unpacking the Benefits Provisions in the Consolidated Appropriations Act, 2021 Surprise Billing](#), Benefits Blast Blog (January 2021)
- [CAA Benefits Alert: 2021 Appropriations Bill Adds New ERISA Disclosure Requirements for Health Plan Brokers and Consultants](#), Benefits Blast Blog (December 2020)

- [CAA Benefits Alert: 2021 Appropriations Bill Adds New Restrictions on “Gag Clauses” for Health Plans](#), Benefits Blast Blog (December 2020)
- [CAA Benefits Alert: Flexible Spending Account Relief in the 2021 Consolidated Appropriations Act](#), Benefits Blast Blog (December 2020)
- [Departments Issue Transparency in Coverage Final Rule](#), Benefits Blast Blog (December 2020)
- [IRS Extends Due Dates for ACA Reporting and Renews Penalty Relief](#), Benefits Blast Blog (October 2020)
- [HHS Secretary Azar’s Renewal Declaration Extends COVID-19 Public Health Emergency Period into 2021](#), Benefits Blast Blog (October 2020)
- [DOL Proposes New Fiduciary Rule](#), Benefits Blast Blog (July 2020)
- [Departments Issue Further Guidance Under FFCRA and CARES Act Affecting Health Plans](#), Benefits Blast Blog (June 2020)
- [Treasury and IRS Clarify Tax Treatment of Certain Medical Care Arrangements](#), Benefits Blast Blog (June 2020)
- [DOL Opens Defined Contribution Plans to Private Equity Investments](#), Benefits Blast Blog (June 2020)
- [New IRS Guidance Provides Employers with Section 125 Plan Flexibility During 2020](#), Benefits Blast Blog (May 2020)
- [It Is Time for a COBRA Checkup](#), Benefits Blast Blog (May 2020)
- [Agencies Issue Guidance Extending Certain Employee Benefit Plan Deadlines](#), Benefits Blast Blog (May 2020)
- [Departments Issue Guidance Under FFCRA and CARES Act Affecting Health Plans](#), Benefits Blast Blog (April 2020)
- [Medicare Complications Caused by COVID-19 for U.S. Seniors](#), Benefits Blast Blog (April 2020)
- [Employer Provisions in the Senate CARES Act](#), Benefits Blast Blog (April 2020)
- [Department of Labor Issues Preliminary Guidance on the Families First Coronavirus Response Act](#), Benefits Blast Blog (March 2020)
- [COVID-19 FAQ: Employee Benefits Considerations for Companies Facing Temporary Closures/Ramp-Downs](#), Benefits Blast Blog (March 2020)
- [COVID-19: How Is It Impacting Your Health Plan?](#), Benefits Blast Blog (March 2020)
- [Senate Passes and President Trump Signs Historic Paid Leave Bill Related to COVID-19](#), Benefits Blast Blog (March 2020)
- [House Passes COVID-19 Relief Bill](#), Benefits Blast Blog (March 2020)
- [COVID-19 Testing and HSA Eligibility](#), Benefits Blast Blog (March 2020)
- [The Supreme Court Will Decide the Fate of the ACA](#), Benefits Blast Blog (March 2020)
- [PCORI Ten Year Extension Requires Filing This July 31st: Employers Self-Insured Health Plans Ending October 1 Through December 31, 2019 Take Note!](#), Benefits Blast Blog (February 2020)
- [Current Status on the Constitutionality of the ACA Individual Mandate](#), Winston Briefing (January 2020)
- [IRS Extends Due Date for ACA Reporting and Offers Penalty Relief](#), Winston Briefing (December 2019)
- [New Guidance from the Department on USERRA](#), Benefits Blast Blog (August 2019)
- [Department of Labor Issues updated CHIP Notice](#), Benefits Blast Blog (August 2019)
- [IRS Decreases ACA Affordability Percentage for 2020 - What does this mean for the Employer Shared Responsibility Rules?](#), Benefits Blast Blog (August 2019)

- [Department of Labor Announces Statement of Temporary Non-Enforcement Following AHP Ruling](#), Benefits Blast Blog (May 2019)
- [Episode 1: The Alphabet Soup of Health Accounts](#), Benefits Blast Podcast (May 2019)
- [The Department of Labor’s “End Run” Around the Affordable Care Act Ends in Defeat](#), Benefits Blast Blog (April 2019)
- [The Cost of Non-Compliance Just Increased - The Department of Labor Announces Increased Penalties for 2019](#), Benefits Blast Blog (February 2019)
- [Cross-Plan Offsetting Case Triggers Legal Concerns for Plan Sponsors](#), Benefits Blast Blog (January 2019)
- [Wilderness Therapy—Two More Victories for Health Insurers](#), Benefits Blast Blog (December 2018)
- [Affordable Care Act Held Unconstitutional – What Does This Mean for Employers?](#), Benefits Blast Blog (December 2018)
- [A Recent Development on Wilderness Therapy Treatment](#), Benefits Blast Blog (December 2018)
- [The IRS Health and Welfare Account Limits for 2019](#), Benefits Blast Blog (December 2018)
- [Best Practices in Providing Cybersecurity for 401\(k\) Accounts Continue to Advance](#), Benefits Blast Blog (October 2018)
- [A New Direction for Health Reimbursement Arrangements](#), Winston Briefing (October 2018)
- [Claiming a Hardship Exemption Under the Affordable Care Act Just Got Easier](#), Benefits Blast Blog (September 2018)
- [Is it Life or Death for the Affordable Care Act?](#), Benefits Blast Blog (September 2018)
- [IRS Releases FAQ Discussing Effect of Association Health Plan Coverage on the Employer Shared Responsibility Requirements](#), Benefits Blast Blog (August 2018)
- [Update to the Marketplace Notice](#), Benefits Blast Blog (August 2018)
- [IRS Issues Key Guidance on Amended Code Section 162\(m\)](#), Winston Briefing (August 2018)
- [Temporary Non-Enforcement Policy Issued by the Department of Labor](#), Benefits Blast Blog (May 2018)
- [ACA’s Affordability Percentage Increase for 2019](#), Benefits Blast Blog (July 2018)
- [What is the Current State of the U.S. Department of Labor’s ERISA Fiduciary Rule?](#), Benefits Blast Blog (June 2018)
- [A New Pathway to Healthcare Delivery: Association Health Plans](#), Winston Briefing (June 2018)
- [Temporary Non-Enforcement Policy Issued by the Department of Labor](#), Benefits Blast Blog (May 2018)
- [DOL’s Fiduciary Rule Remains in Limbo](#), Benefits Blast Blog (March 2018)
- [Fifth Circuit Court of Appeals Vacates DOL Fiduciary Rule](#), Benefits Blast Blog (March 2018)
- [2018 HSA Family Contribution Limit Reduced by \\$50; Adoption Assistance Programs Also Impacted](#), Benefits Blast Blog (March 2018)
- [Employer Q&A Regarding New 2018 IRS Individual Income Tax Withholding Requirements](#), Winston Briefing (March 2018)
- [A Tale of Rural American Health Care Delivery Dilemmas: The Opioid Crisis, Telemedicine and Residential Treatment Centers](#), Benefits Blast Blog (March 2018)

Speaking Engagements

- Spoke on “Unpacking the Consolidated Appropriations Act – Health and Welfare Plans” at West/Thomson Reuters’ Webinar (March 2017)

- Spoke on “Hot Topics in Employee Benefits - Health and Welfare” at the Federal Bar Association’s Virtual Tax Law Conference (March 2021)
- Spoke on “Health Savings Accounts (HSAs) - How Can Three Little Letters Be So Complicated?” at Lorman Education Services’ Webinar (February 2021)
- Spoke on “The Grey Areas of Sick-Leave Claims” at American Conference Institute’s 18th Annual Forum on ERISA Litigation (November 2020)
- Spoke on “COBRA Litigation in Practice: The Latest Strategies for Addressing Rising Liability Associated with COBRA Notices” at American Conference Institute’s Webinar (September 2020)
- Spoke on “Cybersecurity Issues for Employee Benefit and Compensation Plans” at PSCA’s 2019 National Conference (April 2019)
- Spoke on “Examining the Many Facets of Health and Welfare Plan Litigation Relevant to ERISA” at ACI’s 16th National Forum on ERISA Litigation (November 2018)
- Spoke on ADA and EEOC Compliance at the 15th Annual Employee Benefits Symposium John Marshall Law School Center for Tax Law & Employee Benefits (April 2018)
- Moderated a panel on “A Tale of Rural American Health Care Delivery Dilemmas: The Opioid Crisis and Medical Air Transportation” at *Impact of Systemic Economic and Political Change on Employee Benefits*, an invitational conference organized by the American Bar Association’s Joint Committee on Employee Benefits (March 2018)
- Spoke on “Anticipated Regulatory Changes and Realities Under the New Administration: Update on the New DOL Rules on Fiduciaries and Claims Procedures and Key Agency Activity Impacting ERISA Claims and Litigation” at ACI’s 15th National Forum on ERISA Litigation (November 2017)
- Spoke on a panel about Opioid addiction at ERIC’s 2018 semi-annual meeting; spoke at the ABA/CEBC conference

WEBINAR

Winston Partner Joins Panel...

APRIL 23, 2024

BLOG

Recent Developments Highlight the...

FEBRUARY 13, 2024

BLOG

Federal Poverty Level Announced...

FEBRUARY 12, 2024

BLOG

Department of Labor Increases...

FEBRUARY 8, 2024

BLOG

Benefits Bulletin – DOL...

JANUARY 25, 2024

BLOG

U.S. Department of Labor's...

NOVEMBER 3, 2023

BLOG

Retirement and Health &...

NOVEMBER 2, 2023

BLOG

Winston & Strawn LLP:...

OCTOBER 23, 2023

RECOGNITIONS

Winston Attorneys Recognized in *The Best Lawyers in America*

AUGUST 17, 2023

BLOG

Departments Release Proposed Mental...

AUGUST 4, 2023

IN THE MEDIA

Amy Gordon Discusses Employer...

JULY 6, 2023

BLOG

WA Cares Fund: Mandatory...

JUNE 15, 2023

Capabilities

Labor & Employment

Employee Benefits & Executive Compensation

Restructuring & Insolvency

Tax

Private Investment Funds

Health Care

Insurance

Financial Services