



Susan Nash

Partner

Chicago
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Nationally recognized, Susan is described as “an excellent partner who uniformly demonstrates a mastery of her subject matter area and the ability to deliver helpful, practical advice on complex questions in a fast-paced environment.” (*Chambers USA* 2024). Susan is a go-to lawyer in the area of employer-sponsored health and welfare benefits. She assists employers, health plans, insurers, and vendors with their health care reform strategy and compliance with laws affecting group health plans.

Susan is well-versed in laws affecting health and welfare benefits, including the Affordable Care Act (ACA), Health Insurance Portability and Accountability Act (HIPAA), Employee Retirement Income Security Act (ERISA), the CARES Act, the Mental Health Parity and Addiction Equity Act, and the Internal Revenue Code. She also has extensive experience with innovative employee health benefit strategies, design, and funding, such as employer/provider direct contracting, health plan transparency and fiduciary issues, data privacy, disease management and wellness programs, telehealth, on-site clinics, cafeteria plans, private healthcare exchanges, VEBAs, as well as consumer-directed health plans such as health reimbursement arrangements and health savings accounts. She also advises employers with respect to fringe benefits and state mandated benefit laws.

Susan represents clients in health plan audits with governmental agencies, such as the Internal Revenue Service, the Department of Labor and the Department of Health and Human Services, and effectively represents employers

and health plans in negotiations with third-party vendors for health and welfare plan services.

Susan is co-chair of the firm's Health and Welfare Plan Group and is a member of the prestigious American College of Employee Benefits Counsel.

Key Matters

- Assisted a large Fortune 100 company in moving its active and retiree medical benefit platform to a private health care exchange
- Assisted a national beverage company in implementing a global employee assistance program, telehealth benefit, surrogacy program, and company-wide back-up day care program
- Assisted a well-known high-tech company with the design and implementation of an innovative on-site medical clinic, fitness center, and wellness program
- Assisted a large regional health system in developing disease management and population health management programs for its employees and addressing related data sharing and HIPAA issues, including establishing a framework for data analytics, negotiating several complex vendor contracts, and HIPAA business associate agreements
- Represented a large grocery chain in direct contracting with preferred providers to develop centers of excellence and specialty networks with shared savings
- Represents employers in all facets of health care reform strategy and compliance, including employer shared responsibility requirements, health care transparency, fiduciary issues, insurance market reforms, reporting and disclosure and ACA fees and taxes
- Represented insurer/TPA with DOL mental health parity audit
- Counsels clients on benefit issues with respect to medical travel benefits, same-sex marriage, gender affirmation benefits, and surrogacy benefits
- Counsel clients on benefit issues in connection with economic downturn such as paid leave laws, PTO leave donation programs, qualified disaster relief payments, and impact of furloughs and reduced hours

Recognitions

- *The Legal 500 US*, "Key Lawyer"—Recognized for Employee Benefits, Executive Compensation and Retirement Plans (2021, 2023–2024)
 - *The Best Lawyers in America*® —Recognized for Employee Benefits (ERISA) Law (2020–2025)
 - *Chambers USA*—Ranked for Employee Benefits & Executive Compensation (2018–2024)
 - JD Supra Readers' Choice Awards—Top Author (2017)
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Activities

- American College of Employee Benefits Counsel, Fellow
 - National Association of Women Lawyers, Member
 - American Benefits Council, Member
 - ERISA Industry Committee, Member
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Credentials

EDUCATION

Susan received her J.D. from Northwestern University School of Law in 1991, and she received her B.A., *cum laude*, in Government from Georgetown University in 1986

ADMISSIONS

- Illinois

Related Insights & News

A list of Susan's speaking engagements and publications include the following:

- "Departments Release Final Mental Health Parity Rule," Winston Client Briefing, September 30, 2024
- "Notable Decisions of the 2024 U.S. Supreme Court Term Impacting Group Health Plans," Winston Client Briefing, July 9, 2024
- "U.S. Court of Appeals Partially Upholds Braidwood Management, Inc. v. Becerra: Finds Appointment of USPSTF Unconstitutional," Winston Client Briefing, July 3, 2024
- "Innovative Health Benefit Design: Addressing Social Determinants, Access, and Equity," Winston Health Care & Life Sciences Summit Panelist, June 4, 2024
- "Health and Welfare Plan Contribution and Benefit Limits Announced for 2025," Winston Client Briefing, May 17, 2024
- "What to Know About Biden's ACA Nondiscrimination Rule," Law360 Interview, May 10, 2024
- "Recent Developments Highlight the Need for Fiduciary Attention to Health Plan Fees," Winston Client Briefing, February 13, 2024
- "Federal Poverty Level Announced for 2024—What Does This Mean for Employer Shared Responsibility Rules?," Winston Client Briefing, February 12, 2024
- "Navigating Governance Challenges in Health and Welfare Plans," Practicing Law Institute Seminar, October 30, 2023
- "Benefits Bulletin – IRS Increases PCORI Fees Payable in 2024," Winston Client Briefing, October 23, 2023
- "Departments Release Proposed Mental Health Parity Regulations: Key Changes for Employers," Winston Client Briefing, August 4, 2023
- "WA Cares Fund: Mandatory Deductions Will Begin July 1, 2023," Winston Client Briefing, June 15, 2023

- “Benefits Bulletin: Health & Welfare Plans – May 2023,” Winston Client Briefing, May 19, 2023
- “COVID-19 Federal Emergency Declarations Ending in May 2023: The Impact on Private Health Plans,” Winston Client Briefing, February 2, 2023
- “Looming Deadline for Pharmacy Reporting,” Winston Client Briefing, January 13, 2023
- “IRS Permanently Extends Deadline for Furnishing Forms 1095-C and 1095-B to Individuals,” Winston Client Briefing, December 21, 2022
- “IRS Increases the PCORI Fee,” Winston Client Briefing, November 28, 2022
- “Employer-Provided Benefit Options After Dobbs,” Bloomberg Law Article, August 15, 2022
- “Benefits Bulletin: Health & Welfare Plans – August 2022,” Winston Client Briefing, August 5, 2022
- “Abortion Insurance Coverage is Now Much More Complicated,” The New York Times Interview, July 12, 2022
- “Roe v. Wade Overturned: Implications for Plan Sponsors,” Winston Client Briefing, June 27, 2022
- “2022 Health Care & Life Sciences Summit,” Winston Webinar, May 10-12, 2022
- “Benefits Bulletin: Health & Welfare Plans – May 2022,” Winston Client Briefing, May 9, 2022
- “Benefits Bulletin: Health & Welfare Plans – February 2022,” Winston Client Briefing, February 4, 2022
- “Benefits Bulletin: Health & Welfare Plans – January 2022,” Winston Client Briefing, January 12, 2022
- “Premium Incentives for Vaccination Status,” Winston Client Briefing, October 7, 2021
- “Health and Welfare Plan Outlook and Implications for 2022,” Winston Webinar, September 23, 2021
- “Enforcement Delays for Group Health Plan Compliance,” Winston Client Briefing, August 26, 2021
- “IRS Guidance on Claiming Refundable COBRA Premium Subsidy Tax Credit,” Winston Client Briefing, July 30, 2021
- “Agencies Begin Providing Rules for No Surprises Act Implementation,” Winston Client Briefing, July 7, 2021
- “The ACA Survives Its Most Recent Challenge,” Winston Client Briefing, June 21, 2021
- “IRS Releases Guidance on COBRA Subsidies,” Winston Client Briefing, May 20, 2021
- “IRS Releases Guidance on Taxation of Dependent Care Benefits Subject to Extended Carryover or Grace Period,” Winston Client Briefing, May 14, 2021
- “DOL Issues Guidance on COBRA Subsidy Provision under the American Rescue Plan Act,” Winston Client Briefing, April 9, 2021
- “Unpacking the Consolidated Appropriations Act – Health and Welfare Plans,” West/Thomson Reuters Webinar, March 17, 2021
- “New Options for Affordable Health Coverage Under the American Rescue Plan Act,” Winston Client Briefing, March 12, 2021
- “CAA Benefits Alert: Flexible Spending Account Guidance Clarifies Application of Consolidated Appropriations Act Changes,” Winston Client Briefing, March 5, 2021
- “Tri-Agencies Clarify Outbreak Period Relief Due to COVID-19,” Winston Client Briefing, February 26, 2021
- “CAA Benefits Alert: Employee Retention Credit Expanded,” Winston Client Briefing, February 25, 2021
- “CAA Benefits Alert: New Compliance Guidance and MHPAEA Action Items for Insurers and ERISA Covered Benefits Plans under the Consolidated Appropriations Act,” Winston Client Briefing, January 6, 2021
- “CAA Benefits Alert: Unpacking the Benefits Provisions in the Consolidated Appropriations Act, 2021 Surprise Billing,” Winston Client Briefing, January 6, 2021

- “CAA Benefits Alert: 2021 Appropriations Bill Adds New ERISA Disclosure Requirements for Health Plan Brokers and Consultants,” Winston Client Briefing, December 29, 2020
- “CAA Benefits Alert: 2021 Appropriations Bill Adds New Restrictions on “Gag Clauses” for Health Plans,” Winston Client Briefing, December 29, 2020
- “CAA Benefits Alert: Flexible Spending Account Relief in the 2021 Consolidated Appropriations Act,” Winston Client Briefing, December 29, 2020
- “CAA Benefits Alert: New Health Plan Reporting on Pharmacy Benefits and Drug Costs,” Winston Client Briefing, December 29, 2020
- “ERISA Does Not Preempt Arkansas State Law That Regulates PBMs,” Winston Client Briefing, December 15, 2020
- “Applying ERISA Fiduciary Rules to Health Plans, Services and Products 2020,” PLI Webcast, November 4, 2020
- “HHS Secretary Azar Renews COVID-19 Public Health Emergency Declaration,” Winston Client Briefing, July 24, 2020
- “Departments Issue Further Guidance Under FCCRA and CARES Act Affecting Health Plans,” Winston Client Briefing, June 30, 2020
- “Treasury and IRS Clarify Tax Treatment of Certain Medical Care Arrangements,” Winston Client Briefing, June 17, 2020
- “Compliance with COBRA During the COVID-19 Pandemic,” Winston Webinar, May 20, 2020
- “New IRS Guidance Provides Employers with Section 125 Flexibility During 2020,” Winston Client Briefing, May 18, 2020
- “It Is Time for a COBRA Checkup,” Winston Client Briefing, May 4, 2020
- “Agencies Issue Guidance Extending Certain Employee Benefit Plan Deadlines,” Winston Client Briefing, May 1, 2020
- “Departments Issue Guidance Under FFCRA and CARES Act Affecting Health Plans,” Winston Client Briefing, April 21, 2020
- “Medicare Complications Caused by COVID-19 for U.S. Seniors,” Winston Client Briefing, April 20, 2020
- “Employer Provisions in the Senate CARES Act,” Winston Client Briefing, April 3, 2020
- “Department of Labor Issues Preliminary Guidance under the Families First Coronavirus Response Act,” Winston Client Briefing, March 25, 2020
- “COVID-19: How is it Impacting Your Health Plan,” Winston Client Briefing, March 20, 2020
- “COVID-19 Testing and HSA Eligibility,” Winston Client Briefing, March 11, 2020
- “Proposed Rules Address Transparency in Health Coverage,” Winston Client Briefing, November 19, 2019
- “Legal Hot Topics in Employee Benefits Design,” Silicon Valley Employers Forum 2019 Bay Area Global Benefits Conference, May 2019
- “HR and Employee Benefits: Recent Developments and 2019 Trends,” Winston & Strawn’s Annual Tax Conference and Year-End Celebration, December 2018
- “HR and Employee Benefits: Recent Developments and 2019 Trends,” Winston Webinar, November 2018
- “Corporate Health & Well-being,” 2018 Healthcare Revolution® Conference, October 2018
- “ERISA Compliance in Direct Contracting for Healthcare: Challenges for Employers and Providers,” Strafford Webinar, October 2018
- “A New Direction for Health Reimbursement Arrangements,” Winston Client Briefing, October 2018

- “Legal Issues in Direct Contracting: The Employer Perspective,” 2018 Employer-Health System Direct Contracting & Strategic Partnerships Summit, July 2018
- “A New Pathway to Healthcare Delivery: Association Health Plans,” Winston Client Briefing, June 2018
- “HIPAA, ACA, and Tax Implications” and “EEOC Enforcement Action,” John Marshall Law School Center for Tax Law & Employee Benefit’s 15th Annual Employee Benefits Symposium, April 2018
- “2018 Hot Topics for Health & Welfare Plans, Fringe Benefits, and Withholding Rates,” Winston Webinar, February 2018
- “Association Health Plans: Meaningful Change or Much Ado About Nothing?” Winston Client Briefing, January 2018
- “The Future of Wellness Incentives,” *Corporate Wellness Magazine* Webinar, January 2018
- “Wellness Programs in 2018 - Clear as Mud,” *Corporate Wellness Magazine*, January 2018
- “Benefit and Compensation Provisions in the Tax Cuts and Jobs Act,” Winston Client Briefing, December 2017
- “Congressional Efforts at Tax Reform Taking Shape,” Winston Client Briefing, November 2017
- “IRS Enforcement of ACA Employer Penalties Begins,” Winston Client Briefing, November 2017
- “Winston’s Analysis of the Employee Benefits and Executive Compensation Provisions of the Proposed Tax Bill,” Winston Client Briefing, November 2017
- “Ask the Experts: All Things Compliance— COBRA, MEWA, ERISA, GINA, and More,” 9th Annual Employer Healthcare and Benefits Congress, October 2017
- “Trump Administration Sets the Stage for Sweeping Health Care Changes,” Winston Client Briefing, October 2017
- “What’s Next for Employer Plan Sponsors after Failed Congressional Attempts to Repeal/Replace the Affordable Care Act?” Winston Client Briefing, August 2017

BLOG

Department of Labor Increases Civil Penalties for Noncompliance

MARCH 19, 2025

BLOG

Tobacco Surcharge Lawsuits Test Employee Wellness Programs

JANUARY 30, 2025

BLOG

New Changes to Health Plan Compliance in 2025

JANUARY 8, 2025

BLOG

The Internal Revenue Service Health and Welfare Limits for 2025

NOVEMBER 20, 2024

IN THE MEDIA

Susan Nash Discusses Proposed OTC Contraception Regulations with Law360

OCTOBER 24, 2024

IN THE MEDIA

Susan Nash Discusses Patient Protection and Affordable Care Act’s Preventive Care Requirement with Law360
OCTOBER 2, 2024

BLOG

Departments Release Final Mental Health Parity Rule
SEPTEMBER 30, 2024

NEWS

Key Takeaways From Winston’s Fourth Annual Health Care & Life Sciences Summit
AUGUST 15, 2024

RECOGNITIONS

Winston Attorneys Recognized in *The Best Lawyers in America*® 2025
AUGUST 15, 2024

BLOG

Notable Decisions of the 2024 U.S. Supreme Court Term Impacting Group Health Plans
JULY 9, 2024

BLOG

U.S. Court of Appeals Partially Upholds *Braidwood Management, Inc. v. Becerra*: Finds Appointment of USPSTF Unconstitutional
JULY 3, 2024

RECOGNITIONS

Winston & Strawn Recognized in *The Legal 500 U.S.* 2024
JUNE 12, 2024

Capabilities

Labor & Employment	Employee Benefits & Executive Compensation			
Restructuring & Insolvency	Tax	ERISA Litigation	Compliance Programs	
Health Care	Insurance	Financial Services	Life Sciences	Medical Devices