



Special Advertising Section

Leading Authority in Benefits Law Says 'Start With the Basics'

Double-digit increases in the cost of healthcare coverage and a volatile regulatory environment governing employee benefits are crippling small and mid-size businesses. Finding jobs with vital benefits is getting harder for many employees. "Like any complex problem, this one requires an overall strategy that starts at square one," says Darcy L. Hitesman, founder of Hitesman & Associates, P.A. and a leading authority on benefits law.

"Her legal and commonsense guidance assisted me in knowing where I needed to get to and also how to get there."

– Vaughn Lenhart, Vice President of Human Resources
Lyman Lumber & Affiliated Companies

Hitesman & Associates, P.A. is a boutique law firm focusing exclusively on benefits law for both public-sector and private-sector clients. Hitesman has 18 years of experience and is recognized nationally for her expertise in employee benefits plan compliance with the Internal Revenue Code, ERISA, FMLA, and state insurance laws. She co-authors the book *ERISA Compliance for Health & Welfare Plans* for the Employee Benefits Institute of America (EBIA).



Darcy L. Hitesman, founder of Hitesman & Associates, P.A.

She is also a sought-after presenter at EBIA seminars throughout the U.S. and a frequent speaker to legal and non-legal audiences on various employee benefits and FMLA topics. Recognized by her peers as one of the Top 100 Women Attorneys in Minnesota in 2006 and a Super Lawyer every year since 2000, Hitesman also serves as the Chair of the Minnesota Racing Commission, a Governor-appointed position.

Hitesman's proactive, commonsense approach to benefits law is unique. Skillful defense of clients facing a claim is a hallmark of the practice, but so too

is strategic planning to minimize risk exposure and maximize benefits resources. "The first step is helping employers establish their objectives," says Hitesman.

Once the groundwork has been laid, Hitesman & Associates helps plan, implement and evaluate a benefits program that meets the needs of the employer and employees. The firm serves as a quarterback, coordinating the activities of the client's insurance carriers, benefits brokers and third-party administrators, and HR staff.

"It is difficult for small to mid-sized businesses to have an HR staff with the depth of experience necessary to stay ahead of compliance issues and still have time to address mission-critical activities such as recruiting, retaining and training valuable employees," adds Hitesman. ERISA, COBRA, HIPAA, IRS and Medicare Part D regulations are moving targets and expose employers to risks they may not realize exist. For example, employers cannot rely on the insurance carrier's plan booklet to meet ERISA requirements. Unless a business has prepared its own Summary Plan Description or supplemented an insurance carrier's booklet, it is likely out of compliance and has missed valuable opportunities to protect itself.

Hitesman & Associates has a popular program that makes expert advice more affordable for small and mid-sized organizations. For a flat fee that is much lower than typical hourly rates, Hitesman & Associates will study a company's existing benefits programs, identify those with ERISA and tax code implications, and produce a confidential report card. Armed with this information, business managers can consult with their benefits brokers, carriers and third-party administrators to address deficiencies.

"Business managers who put their heads in the sand because the process seems too daunting are unnecessarily putting their companies at risk," says Hitesman. "Our mission is to give them the information they need, in plain English, and a reasonable plan they can execute."



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