

THE
NATIONAL LAW REVIEW

ERISA Plan Documents Must State Procedures for Authorizing a Representative under a Plan

Tuesday, March 19, 2019

In an Information Letter dated February 27, 2019, the Department of Labor (DOL) clarified that an ERISA plan must include any procedures for designating authorized representatives in the plan's claims procedure and summary plan description (SPD) or in a separate document that accompanies the SPD. In response to a request by a patient advocate and health care claim recovery expert for plan participants and beneficiaries, the DOL reiterated that the claims procedure regulations permit authorized representatives to receive notifications in connections with an ERISA plan's claim and appeal determinations, and noted that a plan's claims procedure cannot prevent claimants from choosing who will act as their representative for purposes of a claim and/or appeal. ERISA plan sponsors should review plan documents to ensure that the applicable documents clearly outline any steps a participant or beneficiary must take to validly designate an authorized representative under the plan.

© 2019 McDermott Will & Emery

Source URL: <https://www.natlawreview.com/article/erisa-plan-documents-must-state-procedures-authorizing-representative-under-plan>

The logo for McDermott Will & Emery, featuring the company name in a bold, teal, sans-serif font.

Article By [Jacob Mattinson](#)
[Megan Mardy](#) [McDermott Will & Emery](#)
[Employee Benefits Blog](#)

[Health Law & Managed Care](#)
[Labor & Employment](#)
[All Federal](#)