Fifth Circuit Confirms a Summary Plan Description May Also Act as the Plan Document under ERISA

June 7, 2017

The U.S. Court of Appeals for the Fifth Circuit reiterated its prior determination that a Summary Plan Description (?ÃÂ£***SPD***?ÃÂ¥) for an employer-sponsored, group medical plan subject to ERISA could also serve as the plan document, provided it contains all of ERISA?ÃÃs written plan document requirements. The court further held that in this case the SPD?ÃÃs reference to a non-existent plan document was not material or detrimental to the participant under the plan. Historically, ?ÃÂ£plan booklets?ÃÂ¥ for medical plans have contained the relevant SPD provisions regarding the benefits payable and the procedures for filing claims for benefits. However, many of those booklets did not contain all of ERISA?ÃÃs requirements for an SPD or for the written plan document, including claims appeals procedures and certain other provisions, such as funding sources, amendment and termination provisions, and other required details. As a result, we have consistently recommended that the plan booklet be carefully reviewed to ensure compliance with all SPD requirements and the creation of a separate plan document that ?ÃÂ£wraps around?ÃÂ¥ the booklet, to complete all of ERISA?ÃÃs written plan document requirements. In this opinion, the Fifth Circuit reminds employers that in order to rely on a plan booklet to meet all of ERISA?ÃÃs requirements for a written plan document and SPD, the booklet must contain all legal requirements for both types of documents. **View the court's opinion**.