HAYNES BOONE

Kirsten H. Garcia

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PRACTICES Employee Benefits and Executive Compensation, Plan Fiduciaries Counseling, Health and Welfare Plans, Retirement Plans, Investment Management, Government Audits and Investigations, Telehealth

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Kirsten Garcia has extensive experience meeting employers' compliance needs. This involves analyzing a myriad of laws to advise clients regarding legal requirements, best practices, risks, obstacles, and solutions applicable to a client's circumstances or proposed course of action.

Kirsten counsels employers on a wide variety of health and welfare plans, wellness programs, retirement plans, and executive compensation arrangements, and provides guidance and compliance strategies to clients in all aspects of the benefits area. This includes compliance with ERISA, the Internal Revenue Code, ACA, COBRA, HIPAA, and MHPAEA; correction of operational or documentation failures, including the VFCP and EPCRS correction programs; providing guidance through government investigations and audits; drafting plan documentation, summary plan descriptions, and disclosures; reviewing and negotiating service provider plan documents, benefits booklets, and services agreements; implementing HIPAA compliance programs and conducting employee training; implementing and supporting MEWAs; assistance with reporting obligations; and correction of HIPAA breaches and COBRA compliance failures.

Kirsten's extensive experience has made her a frequent speaker and writer on issues affecting employee benefit plans. Her speaking engagements include the International Society of Certified Employee Benefits Specialists DFW and Houston Chapters, Worldwide Employee Benefits Network Dallas Chapter, Employment Law Updates sponsored by the Fort Worth, Dallas and San Antonio Chambers of Commerce, and Dallas Bar Association. Her articles have appeared in the New York University Review of Employee Benefits and Executive Compensation, The Practical Lawyer, The Practical Tax Lawyer, Employee Benefit Plan Review, Dallas Business Journal, and Fort Worth Business Press. Every other month, she presents a legislative update at the DFW ISCEBS Chapter meeting.

Professional and Community Activities

- State Bar of Texas
- Dallas Bar Association; Employee Benefits and Executive Compensation Committee Member, 2012-2014

QUALIFICATIONS

EDUCATION
- B.S.F.S., Georgetown University, 2001, *magna cum laude*
- J.D., The University of Texas School of Law, 2006, *with honors*

ADMISSIONS
- Texas

SELECTED CLIENT REPRESENTATIONS

- Advise clients on federal, state and local laws affecting health and welfare plans, wellness programs, retirement plans, and executive compensation arrangements, including ERISA, Internal Revenue Code, Affordable Care Act, COBRA, HIPAA, and MHPAEA.
- Assist employers with investigation, identification, and correction of operational and documentation failures, including through the DOL and IRS correction programs, and resolution of HIPAA breaches and COBRA compliance failures.
- Guide clients through DOL and HHS government investigations and audits, including investigation, identification, and correction of failures, production of documentation and responses to investigators' requests, and advocating for successful resolution.
- Advise clients on compliance strategies, such as strategizing management of employer penalty risk under the ACA and negotiating vendor agreements to avoid employer penalties with respect to contract labor.
- Draft plan documentation, summary plan descriptions, and disclosures.
- Review, revise, and negotiate service provider plan documents, benefits booklets, and administrative services agreements.
- Implement HIPAA compliance programs, including gap analysis and policies and procedures, and conduct employee training.
- Assistance with DOL, IRS, and HHS reporting and disclosure obligations.
- Advising clients regarding attorney client privilege issues in employee benefits practice.
- Advising clients with benefits issues arising in corporate transactions.