

# Snell & Wilmer

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## **Nancy K. Campbell**

Of Counsel | Phoenix

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### **Main Bio**

Nancy Campbell has been practicing in the employee benefits area since 1992. Prior to her transition to "of counsel" status, Nancy was a partner and a leader of the firm's employee benefits and executive compensation practice. Her practice is focused on health and welfare plans, qualified plans (with an emphasis on Section 401(k) plans), and employee benefits planning in mergers and acquisitions. Nancy has significant experience in the areas of Employee Retirement Income Security Act of 1974 ("ERISA"), the Affordable Care Act (including, but not limited to, the large employer shared responsibility penalties under Code Section 4980H and IRS Letter 226J), consumer driven health arrangements, high deductible health plans, health savings accounts, health reimbursement arrangements, association health plans, wellness programs, same-sex spouse and domestic partner benefits, COBRA, HIPAA (portability, privacy, and security), flexible benefit plans, tuition reimbursement programs, qualified domestic relations orders, Section 404(c) compliance, correcting qualified plan defects through EPCRS, and benefit claim administration. Nancy routinely assists clients with day-to-day administration of their employee benefit plans and programs. Nancy has represented clients in matters before the Internal Revenue Service and the Department of Labor.

### **Leadership Positions**

- Chair, American Bar Association, Tax Section, Employee Benefits Committee, Cafeteria Plans and Reimbursement Accounts Subcommittee (2007-2010)
- Member, Board of Directors, Planned Parenthood of Arizona (2007-2008)
- Past-President (2001) and Steering Committee Member, Western Pension & Benefits Conference, Phoenix Chapter

### **Representative Matters**

- Assisted a large Chamber of Commerce set up an association health plan under DOL Reg. Section 2510.3-5
- Assisted various clients with restructuring health plans in order to avoid and/or minimize penalties under Code Sections 4980H(a) and (b)
- Responded to numerous Letters 226J from IRS regarding penalties under Code Section 4980H, abating multi-million dollar penalties
- Counseled a publicly held automotive industry manufacturer regarding its employee benefits programs through the bankruptcy process

- Assisted a large publicly traded utility with day-to-day administration of employee benefit plans including claims and appeals, COBRA compliance, establishment of VEBA for retiree medical plan, and updating plans to comply with recent changes in the law
- Advised and assisted a large publicly traded utility company regarding implementation of same-sex spouse benefits under its defined benefit pension plan, 401(k) plan, and various health and welfare plans
- Counseled a large chemical company regarding the sale of the assets of a division and establishment of “mirror” qualified retirement plans and health and welfare plans for transferred employees
- Assisted a large diversified oil company in the administration of its qualified retirement plans and health and welfare plans

## Education

- University of Iowa College of Law (J.D., with high distinction, 1992)
  - American Jurisprudence Award in Evidence (1991)
  - University of Iowa Law Foundation Scholarship (1990-1992)
- University of Michigan (B.B.A., with school's highest distinction, 1989)
  - Honor's Convocation Award (1988)

## Professional Memberships & Activities

- American Bar Association
  - Section of Taxation
    - Chair
  - Employee Benefits Committee
  - Cafeteria Plans and Reimbursement Accounts Subcommittee (2007-2008)
- Western Pension and Benefits Conference, Phoenix Chapter
  - President (2001)
  - Steering Committee Member

## Representative Presentations & Publications

- "[Rethinking Reproductive Healthcare Benefits After Roe: Three Initial Benefits Questions for Employers to Consider](#)," Co-Author, SW Benefits Blog (July 1, 2022)
- "[An Interesting Intersection: No Surprises Act Claims and the New Fee Disclosure Requirements for Group Health Plans](#)," Author, SW Benefits Blog (March 9, 2022)
- "[2021 End of Year Plan Sponsor “To Do” List \(Part 4\) Executive Compensation](#)," Co-Author, SW Benefits Update (December 17, 2021)
- "[2021 End of Year Plan Sponsor “To Do” List \(Part 3\) Qualified Retirement Plans](#)," Co-Author, SW Benefits Update (December 6, 2021)
- "[2021 End of Year Plan Sponsor “To Do” List \(Part 2\) Annual Cost of Living Adjustments](#)," Co-Author, SW Benefits Update (November 16, 2021)
- "[2021 End of Year Plan Sponsor “To Do” List \(Part 1\) Health and Welfare](#)," Co-Author, SW Benefits Update (November 8, 2021)

- ["Three Strikes You're Out -- The Affordable Care Act Survives a Third Legal Challenge: Let's Move On to the Consolidated Appropriations Act,"](#) Author, SW Benefits Update (June 17, 2021)
- ["Ready or Not, Mental Health Parity Reporting Has Been Effective Since February 10, 2021,"](#) Co-Author, SW Benefits Update (April 28, 2021)
- ["Buckle Up! Complying with the Health & Welfare Provisions of the CAA Could be a Wild Ride,"](#) Author, SW Benefits Blog (February 16, 2021)
- ["Free COVID-19 Testing Extended for Another 90 Days,"](#) Co-Author, SW Benefits Update (July 28, 2020)
- ["Supreme Court Confirms LGBTQ Employees Are Protected Under Title VII,"](#) Co-Author, Snell & Wilmer Legal Alert (June 16, 2020)
- ["Help for Employees Can Equal Headaches for Employers: Agencies Issue More Health and Welfare Relief for COVID-19,"](#) Co-Author, SW Benefits Update (May 29, 2020)
- ["Trump Signs Act Mandating Group Health Plans Cover COVID-19 Testing For Free,"](#) Author, Snell & Wilmer Benefits Blog (March 20, 2020)
- ["COVID-19: Employer Group Health Plan Changes to Help Employees and Stop the Spread of the Virus,"](#) Author, Snell & Wilmer Benefits Update (March 16, 2020)
- ["Congress Giveth and They Taketh Away – Recent Health Plan Changes,"](#) Author, Snell & Wilmer Benefits Blog (January 22, 2020)
- ["2019 End of Year Plan Sponsor Health & Welfare "To Do" List,"](#) Presenter, Arizona Total Rewards Association (November 7, 2019)
- ["California Cares . . . About Employees Losing Flexible Spending Account \("FSA"\) Funds,"](#) Author, Snell & Wilmer Benefits Blog (November 5, 2019)
- ["SW Benefits Update: 2019 End of Year Plan Sponsor "To Do" List \(Part 1\) Health & Welfare,"](#) Author, Snell & Wilmer Benefits Update (October 17, 2019)
- ["A New Law Passed Raising the Standard for Classifying Workers as Independent Contractors in California,"](#) Co-Author, Snell & Wilmer Legal Alert (September 30, 2019)
- ["Zombie Benefits Part II: Health Reimbursement Arrangements \("HRAs"\) Are Back From the Dead,"](#) Author, Snell & Wilmer Benefits Update (September 5, 2019)
- ["Preventive Care Can Now Be Covered for Specified Chronic Conditions Before HDHP Deductible,"](#) Author, Snell & Wilmer Benefits Blog (August 8, 2019)
- ["IRS Letters 226J: Having the Right Section 4980H Records Can Be Worth a Small Fortune,"](#) Author, Snell & Wilmer Benefits Blog (April 25, 2019)
- ["2018 End of Year Plan Sponsor "To Do" List \(Part 2\) - Annual Cost of Living Adjustments,"](#) Author, Snell & Wilmer Benefits Update (November 12, 2018)
- ["Zombie Benefits – Are Health Reimbursement Arrangements \("HRAs"\) Back From the Dead?"](#) Author, Snell & Wilmer Benefits Blog (November 7, 2018)
- ["2018 End of Year Plan Sponsor "To Do" List \(Part 1\) - Health & Welfare,"](#) Author, Snell & Wilmer Benefits Update (October 24, 2018)
- ["Count Down to Open Enrollment – Some Quick Thoughts,"](#) Author, Snell & Wilmer Benefits Blog (August 30, 2018)
- ["Association Health Plans – A New Frontier?"](#) Author, Snell & Wilmer Benefits Blog (June 29, 2018)

- "Tax Cuts and Jobs Act – The Impact on Employee Benefits and Executive Compensation Plans," Speaker, Snell & Wilmer (June 2018)
- "Tax Cuts and Jobs Act – Understanding its Impact on Employee Benefits and Executive Compensation Plans," Speaker, Lovitt & Touché (April 2018)
- "[Health Plans – A Pain to Administer But Appreciated by Employees](#)," Author, Snell & Wilmer Benefits Blog (April 23, 2018)
- "Tax Cuts and Jobs Act – The Impact on Employee Benefits and Executive Compensation," Speaker, Snell & Wilmer (February 2018)
- "[Tax Cuts and Jobs Act: Implications for Health and Welfare Plans and Fringe Benefits](#)," Author, Snell & Wilmer Benefits Update (January 29, 2018)
- "[FMLA Tax Credit Available For Some Employers Who Offer Paid Leave](#)," Co-Author, Snell & Wilmer Legal Alert (January 2018)
- "[2017 End of Year Plan Sponsor “To Do” List \(Part 2\) Annual Cost of Living Adjustments](#)," Author, Snell & Wilmer Benefits Update (November 2, 2017)
- "[2017 End of Year Plan Sponsor “To Do” List \(Part 1\) Health & Welfare](#)," Author, Snell & Wilmer Benefits Update (October 12, 2017)
- "Hot Topics in Benefits," Speaker, Snell & Wilmer (June 2017)
- "[2016 End of Year Plan Sponsor “To Do” List \(Part 2\) Health & Welfare](#)," Author, Snell & Wilmer Benefits Update (November 9, 2016)
- "Hot Topics in Employee Benefits and Executive Compensation," Speaker, Snell & Wilmer (June 2016)
- "The Impact of *Windsor* and *Obergefell* on Employee Benefit Plans," Speaker, State Bar of Arizona, Diversity and Inclusion Convention (April 2016)
- "[2015 End of Year Plan Sponsor “To Do” List \(Part 1\) Health & Welfare](#)," Author, Snell & Wilmer Benefits Update (November 20, 2015)
- "[Same-Sex Marriage and Employee Benefits](#)," Co-Author, Arizona Attorney Magazine (October 2015)
- "Is Health Care Reform Here to Stay?," Co-Speaker, AZSHRM Conference (August 2015)
- "Hot Topics in Employee Benefits and Executive Compensation," Speaker, Snell & Wilmer (June 2015)
- "[Employee Benefits Update - Hot Topics for 2015](#)," Presenter, Snell & Wilmer Webinar (March 13, 2015)
- "Employee Benefits Update," Presenter, Employment Tool Kit Seminar, Snell & Wilmer, Costa Mesa, CA (November 13, 2014)
- "[2014 End of Year Plan Sponsor “To Do” List \(Part 1\) Health & Welfare](#)," Author, Snell & Wilmer Benefits Update (November 3, 2014)
- "[When Did You Last Amend Your Section 125 Cafeteria or Flexible Benefit Plan? Now May Be A Good Time to Dust It Off and Update It](#)," Author, Snell & Wilmer Benefits Update (September 2014)
- "[Rethinking COBRA After Health Care Reform](#)," Author, Snell & Wilmer Benefits Update (July 2014)
- "Ding Dong DOMA's Dead – The Supreme Court's Same-Sex Marriage Ruling and Its Impact on Employee Benefit Plans," Speaker, 2014 Western Pension & Benefits Spring Conference (May 2014)

- "[Health Care Reform's Employer Shared Responsibility Penalties: A Checklist for Employers](#)," Author, Snell & Wilmer Benefits Update (February 2014)
- "Health Care Reform 2014: An Employee Benefits Perspective," Speaker, State Bar of Arizona (February 25, 2014)
- "Updates in Health Care Reform – An Employee Benefits and Health Care Provider Perspective," Speaker, Association of Corporate Counsel – Arizona Chapter (January 21, 2014)
- "[Additional Health Care Reform Rules Take Effect in 2014 Including Prohibition on Waiting Periods in Excess of 90 Days](#)," Author, Snell & Wilmer Health Care Alert (September 2013)
- "[Agencies Issue Guidance on Same-Sex Marriage Impacting Employee Benefits](#)," Co-Author, Snell & Wilmer Legal Alert (September 2013)
- "[The Supreme Court's Ruling on the Defense of Marriage Act: Significant Implications for Employee Benefit Plans](#)," Speaker, Snell & Wilmer Webinar (July 2013)
- "[Agencies Provide Guidance on Additional Health Care Reform Changes Impacting Non-Grandfathered Employer Group Health Plans](#)," Co-Author, Snell & Wilmer Health Care Alert (July 2013)
- "[Treasury Announces Large Employer Play or Pay Penalties Will Be Delayed For One Year](#)," Author, Snell & Wilmer Health Care Alert (July 2013)
- "[Department of Labor Sets October 1 Deadline for Employers to Send Health Benefit Exchange Notices; COBRA Election Notices Must Also be Updated](#)," Author, Snell & Wilmer Health Care Alert (June 2013)
- "[Another Reason Not to Misclassify Employees](#)," Author, Snell & Wilmer Legal Alert (June 2013)
- "Health Care Reform's Large Employer Play or Pay Penalties – A Legal Prospective," Speaker, 2013 Western Pension & Benefits Spring Conference (May 2013)
- "Supreme Court Review of Same-Sex Marriage Cases May Require Significant Changes to Employee Benefits," Speaker, Western Pension & Benefits Conference (April 2013)
- "[Health Care Reform's Large Employer Play or Pay Penalties: A Checklist for Employers](#)," Author, Snell & Wilmer Legal Alert (March 2013)
- "[Supreme Court Review of Same-Sex Marriage Cases Could Require Significant Changes to Employee Benefits](#)," Co-Author, Snell & Wilmer Employee Benefits Update (February 2013)
- "[Agencies Give Employers Additional Time to Send Health Benefit Exchange Notices](#)," Author, Snell & Wilmer Health Care Alert (January 2013)
- "Health Care Reform Is Here – Employers Should Move Forward with Implementation," Co-Speaker, Snell & Wilmer (January 2013)
- "The Supreme Court's Decision and its Impact on Employer Group Health Plans," Co-Speaker, Snell & Wilmer (November 2012)
- "[\\$2,500 Cap on Salary Reduction Contributions to Health Flexible Spending Accounts](#)," Co-Author, Snell & Wilmer Legal Alert (August 2012)
- "[Summary of Benefits and Coverage for Group Health Plans](#)," Co-Author, Snell & Wilmer Legal Alert (July 2012)
- "The Supreme Court Decision on Health Care Reform. What If It Stays? What If It Goes? The Impact on Employer Group Health Plans," Co-Speaker, Snell & Wilmer (June 2012)

- "Common Mistakes in Administering Health and Welfare Plans," Speaker, Western Pension & Benefits Conference (May 2012)
- "Health Care Reform 2012," Speaker, Western Pension & Benefits Conference (February 2012)
- "[W-2 Reporting: Employers Should Start Gearing Up to Report the Cost of Employer-Sponsored Group Health Coverage](#)," Author, Snell & Wilmer Health Care Alert (October 2011)
- "[IRS Issues Guidance on Health Care Reform Over-the-Counter Drug Restrictions](#)," Author, Snell & Wilmer Health Care Alert (September 2010)
- "[Agencies Publish Guidance on Preventive Care for Group Health Plans](#)," Author, Snell & Wilmer Health Care Alert (August 2010)
- "[Dependent Coverage to Age 26](#)," Co-Author, Snell & Wilmer Health Care Alert (June 2010)
- "[Health Care Reform Provisions Related to Women's Health](#)," Co-Author, Snell & Wilmer Health Care Alert (April 2010)
- "[New Premium Assistance Notice Requirement for Group Health Plans](#)," Co-Author, Snell & Wilmer Employee Benefits Update (April 2010)
- "[Agencies Issue Mental Health Parity Regulations](#)," Author, Snell & Wilmer Employee Benefits Update (March 2010)
- "[Additional Extension of COBRA Premium Subsidy Eligibility Period](#)," Co-Author, Snell & Wilmer Employee Benefits Update (March 2010)
- "[COBRA Premium Subsidy Extension](#)," Co-Author, Snell & Wilmer Employee Benefits Update (December 2009)

## Professional Recognition & Awards

- Chambers USA: America's Leading Lawyers for Business®, Employment & Labor (2019); Employee Benefits (2020-2022)
- The Best Lawyers in America®, Employee Benefits (ERISA) Law (2007-2023)
  - Lawyer of the Year, Phoenix Employee Benefits (ERISA) Law (2019, 2021, 2023)
- Arizona's Finest Lawyers

## Community Involvement

- Garfield Elementary School, Neighborhood Partnership
- Planned Parenthood
  - Past Board Member
- Volunteer Lawyers Program

## Bar Admissions

- Arizona

## Court Admissions

- Supreme Court of Arizona
- United States District Court, District of Arizona