







Gena Gibson

Special Counsel

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“I have worked in HR and know the challenges of benefits administration from first-hand experience. I recognize that benefits administration is one of the many responsibilities of an HR professional. My goal is to offer practical advice to help keep plans in compliance and avoid costly mistakes.”

Gena Gibson advises businesses, nonprofits, multiemployer plans, and governmental entities about the benefits they provide to employees. Gena is privileged to partner with great employers providing needed benefits to attract and retain the best employees. Gena assists employers on a variety of issues related to various employee benefit plans, including HIPAA privacy and portability, ERISA compliance, plan administration questions, service provider contracts, and drafting and amending plan documents. She also assists with qualified plan issues and reporting and disclosure requirements, such as Form 5500-series reporting and drafting participant notices.

Gena began her legal career at Miller Nash in 2002 as an associate. In 2007, Gena became the human resources director for her church’s regional headquarters, which involved caring for the employment and employee benefit administration needs of approximately 800 employees. After rejoining the firm in 2014, Gena has continued to blend her real-world experience in HR with her legal skill and acumen to help employers navigate the complicated world of employee benefits.

Professional Activities

- Western Pension & Benefits Conference, member
- Oregon State Bar, member
- Washington State Bar, member

Representative Experience

Group Health Plan Law Compliance

- Assists plan sponsors with navigating through the numerous federal laws that apply to their group health plans, including the Affordable Care Act, ERISA, Medicare Part D, COBRA, HIPAA portability and privacy, USERRA, and mental health parity, as well as satisfying Internal Revenue Code nondiscrimination rules applicable to self-insured health plans.

Education

J.D., Willamette University College of Law, *magna cum laude*, 2002

- Form editor, *Willamette Law Review*

B.A., Walla Walla University, *summa cum laude*, business administration

Bar Admissions

Washington, 2006
Oregon, 2002

- Assists with Affordable Care Act compliance, including advising about applicable large employer status, restrictions on lifetime and annual limits, rescissions, required notices, and grandfathered plan rules.
- Assists with COBRA issues and preparing and reviewing required COBRA notices, including issues related to qualifying events, duration of COBRA coverage, and correction of COBRA failures.

HIPAA Privacy & Security Compliance

- Assists plan sponsors with HIPAA privacy and security compliance, including preparing required notices and advising about HIPAA requirements if a breach occurs.
- Reviews and negotiates HIPAA business associate agreements.
- Updates privacy and security policies and counsels plan sponsors about complying with individual rights.

Form 5500 Reporting

- Prepares Form 5500-series returns for filing and reviews Form 5500 returns prepared by service providers for welfare and retirement plans.
- Assists and advises regarding Form 5500 corrections, including preparing delinquent and amended returns.
- Prepares and reviews Form-5500-related disclosures, such as summary annual reports and ERISA 104(d) notices.

Plan Documents

- Prepares plan documents for various employment benefits, including defined benefit and defined contribution retirement plans, group health plans, cafeteria plans, and health flexible spending arrangements, and amends them for required law or plan sponsor-requested changes.
- Prepares and updates SPDs, and all types of required notices to plan participants.

Cafeteria Plans

- Assists plan sponsors with their cafeteria plans and component benefit programs, including assisting with health FSA, DCAP, and HSA components.
- Advises plan sponsors about cafeteria plan administration and applicable legal requirements, including determining reimbursable medical and dependent care expenses, responding to election change requests, and nondiscrimination rules.

Plan Service Provider Agreements

- Works closely with plan sponsors during the review and negotiation of plan sponsors' agreements with a variety of service providers, such as third-party administrators, auditors, trustees, and custodians.

Publications

- "The American Rescue Plan Act—Key Takeaways for Employers," Miller Nash Graham & Dunn, *News You Can Use*, coauthor (Mar. 2021)
- "CARES Act Impacts Employer-Provided Group Health Plans," Miller Nash Graham & Dunn, *Employee Benefits Update* (Apr. 2020)
- "CARES Act Impacts Employer Retirement Plans," Miller Nash Graham & Dunn, *Employee Benefits Update* (Apr. 2020)
- "Health Savings Accounts: Basic Rules and a Few Changes," (Jan. 2007)
- "Pension Protection Act of 2006: Summary of Changes Affecting Plan Fiduciaries," (Nov. 2006)
- "Medicare Part D Disclosure Notices," (Aug. 2006)
- "Medicare Part D: Disclosing Creditable Coverage Status to CMS," (Mar. 2006)
- "New Prescription Drug Benefit Rules Under Medicare Part D," (Sept. 2005)