

# ERISA Pre-emption

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Torts



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## ERISA Background

- Employee Retirement Income Security Act
- Passed in 1974
- Sets minimum standards for most voluntarily established employee benefit plans (retirement and health plans) in private sector.
- Enacted to provide protection for individuals in these plans.

## ERISA and Health Plans

- §502 allows recovery of wrongfully denied benefits
- but no recovery is allowed for consequential damages
- §514 preempts "all State laws insofar as they may now or hereafter relate to any employee benefit plan"

## Corcoran v. United Healthcare

- *ERISA pre-emption extends to state law claims "of general application," including tort claims where ERISA ordinarily plays no role in the state law at issue.*
- [Court notes the] *absence of a remedy under ERISA's civil enforcement scheme for medical malpractice committed in connection with a plan benefit determination.*