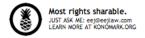
ERISA Pre-emption

Professor Eric E. Johnson Torts



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.