



## EMPLOYEE HEALTH AND WELLNESS TOP TEN LEGAL ISSUES

- Will the employer manage their own on-site employee health clinic or utilize an on-site clinic provider?
- Does the on-site employee health clinic require state or federal licensure and, if so, who is responsible for obtaining such licensure?
- What is the best staffing model for an on-site employee health clinic? Will the clinic utilize physicians, nurse practitioners, physician assistants, nurses, medical assistants, physical therapist, etc.?
- Will the on-site employee health clinic offer multiple service lines, such as occupational health, internal medicine, pediatrics, physical therapy, mental health services, obesity management, telehealth services, etc.?
- Will the on-site employee health clinic offer on-site pharmaceutical dispensing or an on-site pharmacy?
- Are on-site employee health clinics subject to ERISA and HIPAA?
- Does COBRA coverage need to be extended to employees and/or their dependents for on-site clinics similar to health plans?
- What, if any, Affordable Care Act requirements apply to on-site employee health clinics?
- Can employees use their health savings accounts (HSAs) and/or health flexible spending accounts (health FSAs) to pay for on-site employee health clinic expenses?
- Does eligibility for an on-site employee health clinic make employees and/or their dependents ineligible to contribute to a HSA?

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