

Beneficiary

The recipient of the plan benefits is the beneficiary.

Assignee-Provider as Beneficiary. In health care benefits, the participant is the beneficiary; the plan benefit may be assigned, however, to a hospital or physician provider. By recent court decisions, such provider-assignee becomes a party to the ERISA plan with both rights to sue and duties and responsibilities.

It is of significance that a health care plan is not required to offer or recognize an assignment of benefits. It is done for the convenience of the participant and the provider.

In recent court decisions, the courts have been following the pattern earlier set that assignees gain ERISA standing to sue as a result of their accepting benefit assignments.

These decisions are particularly important with hospitals where such rights to sue also carry with them an obligation to file timely and generally conduct themselves as a party to the plans. Both hospitals and Medicaid have gained standing as a result of these recent decisions. All of these decisions conclude that provider-assignees are plan beneficiaries and have standing to sue under ERISA even though they are not specifically so permitted by ERISA. Particularly significant is the language that the assignee-provider *stands in the shoes* of the participant.

There may be self-funded plan death benefits. In this event, the beneficiary is that shown on the enrollment form on file with the plan supervisor.