

HCAA REPORTS

HEALTH CARE ADMINISTRATORS ASSOCIATION NEWSLETTER • MAY/JUNE 2007

2007 TPA UNIVERSITY • JULY 11-13, 2007 • FAIRMONT OLYMPIC, SEATTLE

The TPA Frontier: Trends, Mergers and Consumerism



Register now and plan to attend the 5th Annual TPA University, “The TPA Frontier: Trends, Mergers and Consumerism.” The conference will be held July 11-13th at the Fairmont Olympic Hotel in beautiful Seattle, Washington. Call the Fairmont Olympic at 800-441-1414. Reservations must be made by June 19, 2007 to receive the group rate of \$229 per night. Be sure to reference “HCAA TPA University.”

FOR COMPLETE AGENDA AND REGISTRATION, TURN TO PAGE 2.



Jean P. Sukovez
2006-07 HCAA President

Letter from the President

BY JEAN P. SUKOVEZ *Executive Vice President, United Administrative Services*

I have had the opportunity and pleasure to serve as the President of HCAA for the 2006-2007 year. The experience has been both personally and professionally rewarding. Our all volunteer board is composed of very dedicated individuals

that bring expertise and vision to our organization. Networking with all of the board members and meeting our members at our events has been the best part of this year. I have met some wonderful people who have enlightened

me with their personal experience on a variety of topics. My association with HCAA continues to enhance my knowledge of the industry and new services being offered to TPAs and their clients.

LETTER CONT. ON PAGE 5



2007 TPA University Agenda

Wednesday, July 11, 2007

- 11:00 am to 1:00 pm: Registration and Exhibits Open
- 1:00 pm to 1:15 pm: Welcome and Comments
- 1:15 pm to 2:15 pm: **"PREDICTING FUTURE MANAGEMENT TRENDS"**
Keynote Speaker: Marilyn Moats Kennedy, Author 6 books, Columnist and TV Commentator
- Marilyn Moats Kennedy is founder and managing partner of Career Strategies, a 31-year-old management consulting firm in Wilmette, Illinois. She will discuss how to become your own trend spotter. Being able to spot trends as the results of events allows us to manage our businesses and our people more effectively.
- 2:15 pm to 2:30 pm: Break & Networking with Sponsors
- 2:30 pm to 3:30 pm: **"SPREADING THE NEWS"**
LynAnn Henderson, EBMS
- All these changes—what's the best way to keep our clients informed? Join us with EBMS as they show a unique and clever method of employer and employee notifications which spread the "good news" about working with a TPA.
- 3:30 pm to 4:30 pm: **"TRENDS IN THE PHARMACY INDUSTRY"**
Dr. Ed Weisbart, Chief Medical Officer, Express Scripts
- Mergers, specialty pharmacy, new reporting vehicles, what's next? We see discount programs free to consumers and Wal-mart/Target offering generics. Some pharmacy locations are offering wellness centers and urgent care centers what's next?
- 4:30 – 4:45 *Fun Benchmarking Facts*
- 4:45 – 5:00 **Wrap up Wednesday**
- 5:30 pm to 7:00 pm: **Reception**

Thursday, July 12, 2007

- 8:00 am to 8:45 am: Continental Breakfast & Networking with Sponsors
- 8:45 am to 9:45 am: **"INDUSTRY AND SERVICE TRENDS"**
Curtis Frye, the excel guy. Author, Keynote speaker, Microsoft consultant
- Discussion of the general HC industry and what great opportunity we have to provide services to employers and employees. How to manage trends and numbers in our own shops to continue profitability and service beyond compare.
- 9:45 am to 10:00 am: Break & Networking with Sponsors
- 10:00 am to 11:00 am: **"CHALLENGING THE PPO MARKETPLACE, A FEDERAL OVERVIEW & UP TO DATE VIEW OF THE CURRENT PPO'S IN THE MARKETPLACE"**
*Speaker: Karen Greenrose, President, AAPPO
 Dale White, Executive Vice President, Multiplan*
- Karen will discuss the American Association of PPO's legislative issues and what the agenda is for AAPPO this coming year. AAPPO will discuss their most recent collaboration with the AMA on the AMA Model-Act legislation and how it can affect the PPO industry. Dale will be discussing mergers and acquisitions in the PPO industry. His insight on how this impacts the TPA industry will be illuminating.
- 11:00 am to Noon: **QUESTIONS – Q&A FOR THE PPO PANEL**
 JOIN US FOR THIS UNIQUE OPPORTUNITY TO ADDRESS SOME OF THE NATIONAL LEADERS IN THE PPO INDUSTRY WITH THE CONCERNS AND QUESTIONS FACING THE TPA INDUSTRY

Thursday, July 12, 2007 (continued)

- Noon to 1:30 pm: Luncheon
- 1:30 pm to 2:30 pm: **"INSTANT TEAM BUILDING-THE VIRTUAL ROPES COURSE"**
Curt Frye, Comedy Sportz, Speaker, Comedian
- ComedySportz is a nationwide phenomena - over 20 theatre companies working together for over 20 years on the premise that we can accomplish more as a team than we ever can do alone. In this hour, we'll laugh, yell, make things up and learn more about the folks around us than you ever thought possible. Put enough energy into this, and you might even change the way you see the world - and the way the world sees YOU. We'll do it all without breaking a sweat - or breaking a leg.
- 2:30 pm to 3:15 pm: **LEGAL UPDATES**
Barbara Rabinowitz, Esq.
- What is happening on a state wide level in our industry, are we in tune to protect ourselves and our clients? What contracts affect TPA's? Why are they important? How do we combat some of the aggressive bill collectors hospitals are using today? Update on outstanding case files against TPA's.
- 3:15 pm to 3:30 pm: Break & Networking with Sponsors
- 3:30 to 4:30 pm: **"TPAs CAN MAXIMIZE THEIR SUCCESS WITH CDHP'S AND CONSUMERISM"**
Jerry Ripperger, Principal
- This session will include information on CHD C trends, best practices and tools that can help Taps look at their business strategies and utilize creative ideas to differentiate their offerings. Jerry will share insight and ideas on how and why placing the focus on Health & Wellness benefits is a key to cost effective plan designs. What are the factors that should be considered when determining what CDHC option to offer? When does it make sense to promote total replacement of a CDHP plan design, rather than a slice offering? Jerry will include an update on the most recent Federal Legislation that is impacting Chips and share perspective on future trends on new legislation. Predicting future trends in health care can be challenging, and Jerry will leave you with thought provoking industry information to enlighten you on the continued value proposition that progressive Taps offer to the marketplace.
- 4:30 – 4:45 *Fun Benchmarking Facts*
- 4:45 – 5:00 **WRAP UP For Thursday**
- Friday, July 13, 2007**
- 7:30 am to 8:30 am: Continental Breakfast & Networking with Sponsors
- 8:30 am to 9:30 am: **"MANAGING STRATEGIC GROWTH"**
Teri Mullaney, Adaptis Inc.
- How do you expand to meet the demands of business? Is Off Shore a viable option? What about On Shore resources? Being flexible and using the right resources is critical to maintain the integrity of the TPA.
- 9:30 am to 10:30 am: **"TRENDS IN PROVIDER PRACTICES, MANAGING FRAUD AND ABUSE"**
John Powers, The Sentinel Group
- Healthcare fraud is pervasive in today's insurance/TPA industry. A discussion of current trends, investigation issues and best practices will be explored in this session.
- 10:30 am to 10:45 am: Break & Networking with Sponsors
- 10:45 am to 11:45 am: **"WHO MOVED MY CHEESE?"**
Michelle Correia Templin
- We realize that the trends discussed at this conference will mean CHANGE...don't miss this dynamic presentation based on the popular management book! We have saved some of our best for last!
- 11:45 a.m. – Noon: Final Comments / Close



Register Now!
Space is limited.

Registration

Name: _____

Title: _____

Company: _____

Name (as it should appear on badge): _____

Daytime Phone: _____

Fax: _____

Email: _____

Address: _____

City: _____ State: _____ Zip: _____

How did you learn about the 2007 TPA University?

Email Newsletter Website

Referral (please specify) _____

Other (please specify) _____

Registration fees

____ x HCAA member \$400 \$ _____

____ x Additional registrants from same organization \$300 \$ _____

____ x Non - HCAA member \$650 \$ _____

____ x Additional registrants from same organization \$550 \$ _____

Please enclose a list of names for all attendees.

Enclosed is my check made payable to HCAA: \$ _____

Please charge my VISA/MC in the amount of \$ _____

Account Number: _____

Exp. Date: _____

Signature Authorization: _____

Date: _____

Registrations are accepted in the order of receipt and are limited by the facility capacity. Recording of the program is NOT permitted.

Cancellation/Transfer Policy: All requests must be in writing. A \$50 administrative fee will be made for cancellations received at least 10 business days prior to the program. No refund will be issued for cancellations received later than 10 business days prior to program. Transfer requests must be received at least five business days prior to program.

The views and opinions expressed by speakers are their own and do not necessarily represent those of HCAA. HCAA disclaims any responsibility for the use and application of information presented at this conference.



Health Care Administrators Association

Mail with payment to: HCAA
5353 Wayzata Boulevard, Suite 207
Minneapolis, MN 55416

If you have any questions about this year's TPA University, please contact:

Jaime Nolan at 888.637.1605 or Email: jnolan@hcaa.org

For more information on our speakers and topics, visit us online at: www.hcaa.org

HCAA REPORTS

HCAA Reports is the bimonthly newsletter of the Health Care Administrators Association, a nonprofit California corporation.

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LEGAL NEWS

Spring Cleaning: Health Plan Issues for 2007

JOHN L. BARLAMENT, *Michael Best & Friedrich LLP*

Now that third party administrators and employers have entered the New Year, they have a new series of legal issues to examine. This article highlights the most pressing issues of the New Year.

1. New HIPAA Wellness Plan Rules.

In December 2006 the Department of Labor ("DOL"), Internal Revenue Service ("IRS") and Department of Health and Human Services ("HHS") issued final HIPAA wellness plan regulations. The changes principally clarified a few open issues without making substantial changes. Highlights include:

a. HRA Clarification. Health reimbursement arrangements ("HRAs") usually allow rollovers of unused medical expenses. There had been concerns that the rollovers could violate HIPAA's nondiscrimination rules in years after the HRA is introduced. This is because the amount available in future years would be less for participants who submitted expenses in prior years. Despite this, an example in the final regulations clarifies that such an HRA will not violate HIPAA's nondiscrimination rules.

b. Maximum Wellness Plan Discount.

The regulations clarify that the maximum wellness plan discount available is 20% of the total premium (employer plus employee contributions). The 20% is based upon employee-only coverage. However, if dependents are eligible to participate in the wellness plan, the 20% can be based upon the cost of family coverage.

c. Tweaks to Wellness Plan Rules.

The final regulations eliminate the phrase "bona fide" wellness plans—but retain the concept. Wellness plans that provide rewards based upon health status factors are now likely to be called "standards-based" rewards. The number of requirements

necessary to satisfy a standards-based wellness plan is five, instead of the previous four. However, the change is not significant: the previous four standards were simply divided into five.

2. Implementing Wellness Plans.

Although the new HIPAA wellness plan regulations clarified some wellness issues, significant issues remain unresolved. These include:

a. State Law Issues. Many states have "lawful product" laws. These laws typically prohibit an employer from punishing an employee for using a lawful product outside of work hours. This often includes using tobacco products. Wellness plans may punish users of tobacco products, because tobacco users often must pay more than non-tobacco users. It is possible that these laws may be preempted by ERISA (if ERISA applies to a health plan).

b. ADA Issues. One of the most difficult HIPAA issues relates to the Americans with Disabilities Act ("ADA"). The ADA generally prohibits mandatory physical examinations. However, "voluntary" physical examinations are acceptable. Unfortunately, the term "voluntary" is narrowly defined. Informal comments from the Equal Employment Opportunity Commission ("EEOC") imply that any significant reward (such as a premium discount) would cause the wellness plan to be "mandatory", not "voluntary." If so, many wellness plan regulations that ask detailed questions of plan participants (for example, through a health risk assessment) could violate the ADA.

In the final HIPAA wellness plan regulations, the DOL was asked to clarify that the ADA is not violated if the HIPAA rules are followed. The DOL refused to issue such a clarification. Instead, the DOL stated

that compliance with HIPAA would not ensure compliance with any other federal laws (including the ADA). Thus, the ADA continues to be a significant challenge in implementing a wellness plan.

3. Lifetime Limit Issues. Under the December 2004 HIPAA portability rules, an individual can have a special enrollment event if the individual attains a plan's lifetime limit. This can pose some difficulties for employers with multiple plans. For example, suppose an employer has two plans, a fully-insured HMO and a self-funded PPO. The HMO has a \$1,000,000 lifetime limit, while the PPO has a \$2,000,000 lifetime limit. Ed the Employee reaches the lifetime limit under the HMO and uses his special enrollment rights to enroll in the PPO.

All of that is straightforward. The issue, though, is how the employer will calculate Ed's remaining lifetime limit under the PPO. Will Ed receive \$1,000,000 (the difference between the usual \$2,000,000 limit and Ed's \$1,000,000 in expenses under the HMO)? Or, will Ed's lifetime limit "reset" to \$0, so Ed receives \$2,000,000 under the PPO? Informal DOL guidance suggests that an employer cannot integrate lifetime limits across plans—implying that Ed's lifetime limit "resets" to \$0. This informal guidance does not seem to be supported by HIPAA's statute and regulations. Many plan sponsors may want to amend their plans to integrate lifetime limits among plans (and among benefit options within a single plan). However, due to the large claims at issue and the lack of clarity in this area, an employer should consult experienced legal counsel.

4. HIPAA NPI Rules. HIPAA's national provider identification rules (the "NPI Rules") were scheduled to become effective May 23, 2007 (2008

for a "small" health plan with claims less than \$5,000,000). In April 2007 the deadline was extended to May 23, 2008 for all covered entities (subject to some exceptions). The NPI Rules are designed to ensure that health care providers use a standard number to identify themselves when conducting a HIPAA Standard Transaction. Providers obtain this number by applying to HHS, which then assigns the number. The NPI Rules are not directly applicable to TPAs or health plans. However, if a TPA or plan conducts a Standard Transaction, the TPA or plan must ensure that it uses the proper NPI. Business associate agreements also should be updated to include this requirement (if the requirement was not previously included).

5. HIPAA Reminder Notice.

HIPAA's privacy rules became effective April 14, 2004 for "small" health plans. Both small and large health plans had to distribute a notice of privacy practices on their compliance date. Plans also need to distribute the notice to new participants. Additionally, plans are required to send a reminder about the availability of the notice. The reminder notice must be provided at least once every three years (e.g., by April 14, 2007 for a small health plan). The reminder notice can be short—it can be a matter of only a few sentences.

The contents of this document are not deemed to be legal advice. Specific facts and circumstances should be reviewed and analyzed by your in-house legal counsel, as well as any individual self-funded welfare benefit plan and its legal counsel, in light of specific facts, circumstances, SPDs, subrogation, reimbursement and/or set-off provisions and specific state and federal laws and regulations.



LETTER FROM THE PRESIDENT CONTINUED FROM PG 1

Third Party Administrators (TPAs) know that their customers are looking for greater financial control over their insurance programs, hoping to reduce their operating expenses, improve cash flow, and predict costs. TPA's clients want to be involved in choosing the best providers for each component of their program. HCAA's programs assist TPAs to educate their clients to meet those goals and to review new vendor services.

HCAA continues to attract a variety of vendors with unique products to assist TPAs and their clients. The upcoming TPA University to be held in Seattle, WA on July 11th through July 13th at the Fairmont Olympic Hotel is slated to be another success. We will again have an excellent program and great selection of vendors with products that may assist you to do your business or meet a need of

your client. Please stop and talk with our sponsors and check out their products. Look for the event brochure and agenda so that you can register early to guarantee availability.

As the year comes to an end, I look forward to continuing on the board and being under the leadership of our dynamic new President, Linda Ludwick who is the Executive Director of Operations for Mountain States Administrative Services. Linda is extremely knowledgeable and will lead us well for the next year.

We have changed our web site. Please log on to www.hcaa.org, to see our new look and updated features.. You can view upcoming events and register for our conferences online at our site.

Thank you all for a wonderful year.



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NEWSBYTE

Coastal TPA, Inc. has moved. Here is their new contact information:

Coastal TPA, Inc.
928 East Blanco Road, Suite 235
Salinas, CA 93901
Telephone number: 831.754.3800 or 800.564.7475
Facsimile number: 831.754.3830

Save the Dates:

2007 TPA UNIVERSITY

July 11-13, 2007
Fairmont Olympic, Seattle

2008 EXECUTIVE FORUM

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Standard Stop-Loss Employer Disclosure Form Endorsed

As reported in the Sept/Oct 2005 issue of HCAA Reports, the Self Insurance Institute of America (SIIA) and the Society of Professional Benefit Administrators (SPBA) met to develop a system to “standardize” the disclosure reporting process, with the objective that all insurers would come to accept the reporting system/form as an industry standard. As a result, they have endorsed a standardized stop-loss disclosure form, which also includes ICD-9 codes. The documents are intended to help

facilitate the sharing of health data information between self-insured entities/TPAs and stop-loss insurers/MGUs for the purpose of medical stop-loss underwriting.

HCAA Reports will begin running a recurring notice in each issue of the Stop Loss Carriers and MGUs that have adopted the Standardized Form. If your company has adopted the form, please contact Jaime Nolan at jnolan@hcaa.org

STOP LOSS CARRIERS AND MGUs ADOPTING THE STANDARDIZED FORM:

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