

FIDUCIARY FINGER-POINTING

Examples:

- Claim incurred resulting from DWI. SPD excludes “felonious acts.” TPA interprets the phrase “felonious act” to include DWI, which is actually a misdemeanor – not a felony
- Claims incurred by a participant who was not offered COBRA in a timely manner and therefore could not properly elect
- Claim incurred for off-label drugs. SPD’s definition of E&I is silent on the topic. Plan Administrator denies the claim as being E&I due to being off-label use, based on non-SPD rationale
- Claim incurred and sent to vendor for clinical audit and code edits. SPD only defines U&C as the prevailing charge in the area, but claims are denied as being excessive compared to vendor’s definition



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EMPOWERING PLANS

FIDUCIARY FINGER-POINTING

Examples:

- Claims incurred by a participant out on FMLA leave which questionably runs concurrently with other leave
- Claim arises from an incident that occurred at a hospital. Plan excludes for malpractice, but there is no basis for that theory
- A provider appealing the plan’s reference-based payment at 150% of the Medicare rate
- A claim for injuries incurred by horseback riding, possibly subject to the SPD’s “hazardous activities” exclusion, which lists some examples but not horseback riding



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KEEPING *PACE* WITH THE TRENDS

- **Plan Appointed Claim Evaluator (PACE):** A fiduciary transfer solution
 - PACE makes the decision on final, internal appeals
- A vital piece in creating the “new” TPA and self-funded experience
 - Lets TPA match the benefits of an ASO or fully-insured carrier, and claim some of those 4 million new self-funded lives
 - Helps self-funding become less scary for both first-timers and veterans
 - Useful for all plan types (RBP, traditional PPO, EPO, level-funded, “skinny”)
 - *All self-funded plans involve fiduciary duties!*
- Phia stands behind the PACE directive
 - Do away with the concern & liability
 - Unsurpassed legal analysis, clinical review and facilitation of IROs
 - PACE is responsible – not you



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CONTAINING COSTS AND STAYING COMPETITIVE

- Prescription drug programs
- Medical tourism (not just foreign!), direct provider contracts
- New ways of addressing providers
- Reference-based pricing vs. OOP maximum?
- Montanile – The latest from the Supreme Court
 - Oral arguments scheduled for November 9th
 - The potential fallout for you (and everyone else)



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THANK YOU

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Text "PHIA" to 22828 to join our mailing list

Check out our podcast: thephiagroup.podomatic.com

Join Us for Our Next *Free* Webinar: Tuesday, December 15th

Issue of the Year: Reference-Based Pricing and Balance Billing

www.phiagroup.com/webinar



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