

***An Invitation to attend a Very Special and Unique Program  
Sponsored by MediPro Seminars***

**The University of Florida is Proud to Present the**

**MEDICARE SET-ASIDE PROGRAM**

**“The ABC’s and 1-2-3’s of Writing MSA Allocations”  
[Qualifying for up to 16 CLE Credits]**

**October 7-8, 2004 at the JW Marriott in New Orleans, LA**

The University of Florida is proud to provide the nation’s leading expert faculty bringing you America’s Premier Medicare Set-Aside Educational Program on October 7-8, 2004 in the Premier Location of New Orleans at the Perfect Time of Year!

The program will include, but is not limited to:

- Medicare Set-Aside Allocations: Understanding the Basics
- Medicare as the Secondary Payer
- CMS Policy Memorandums: Highlights
- Medicare Conditional Payments
- The Impact of MSA on Workers’ Compensation Settlements
- The Medicare Set-Aside Allocation
- Panel: Questions and Answers
- The Role of the Structured Settlement Broker
- The Role of the Professional Administrator
- The Role of the Attorney Specializing in Medicare Set-Aside Allocations
- The Role of the Trust Institution/Administrator
- Medicare/MSA’s Meet Medicaid Special Needs Trusts: Coordination of Benefits for Client Survival and Quality of Life

This program is open to Workers’ Compensation Attorneys, Personal Injury Lawyers, Attorneys with specializations in Labor Law, Insurance Law, Social Security and Medicare Laws. In addition, you will be joined by your peers in Financial Planning, Life Care Planning, Medicare Contractors, Providers, State Workers’ Comp staff and employees, Structured Settlement professionals and other professionals. Continuing Legal Education (**CLE**) credits and Continuing Education Units (CEU) will be awarded at the end of the program for **up to sixteen (16) credit hours**.

This event will take place at one of New Orleans premier hotels, the JW Marriott, located just across the street from the French Quarter and only three blocks from Harrah’s Casino! Come alone, or bring the family; either way you will not want to miss this unique educational opportunity in the perfect location!

You will absolutely not want to miss this event! This will prove to be one of the most enlightening, educational and interactive programs you have ever attended.

For further information, please call Kim Whitney at MediPro Seminars, LLC toll-free at 1-800-724-4581, email her at [kwhitney@mediproseminars.com](mailto:kwhitney@mediproseminars.com), or visit our website at [www.mediproseminars.com](http://www.mediproseminars.com) and click on MSA Program.

***Seating is limited so please get your registration in early!***

# Medicare Set-Aside Program Syllabus

**October 7-8, 2004 JW Marriott Hotel, New Orleans, LA**

**Textbook:** (2004) The Medicare Set-Aside Program Manual

The Medicare Set-Aside Program is designed to educate professionals who have an active role in preparing Medicare Set-Aside Arrangements to use a standard, consistent methodology and to establish a core competency utilizing Medicare guidelines and the standard methodology of Life Care Planning.

## **THURSDAY, OCTOBER 7, 2004**

### **I. Introduction**

**8:30 am – 9:00 am**

Keynote to be Announced

### **II. Working with the Members of the MSA Team The Role of the Trust Institution/Administrator**

**9:00 am – 9:45 am**

*Frank Maquire  
First Capital Surety Corporation*

#### **a. Overview of Trusts**

- i. The difference between a MSA Trust and a MSA Custodial Account
- ii. Minimum Requirements for Trusts

#### **b. Types of Trusts and How Each Trust is Used**

- i. Medical Set-Aside Trust
- ii. Medical/Medical Reversionary Trust
- iii. Settlement Preservation Trust
- iv. Blended Trust

### **III. Medicare Set-Aside Allocations: Understanding the Basics**

**9:45 am – 10:30 am**

*Patty Meifert, RN, CRRN, CCM, CLCP  
NuQuest Resources, Inc.*

#### **a. Medicare Overview**

- i. Eligibility Requirements
  - 1) Age
  - 2) Disability: SSD
  - 3) ESRD

#### **b. Medicaid, SSD, SSI**

- c. Shifting the Burden to Medicare: Past, Present and Future
- d. CMS Threshold for Review
  - i. Defining the Qualified Claimant
  - ii. Reasonable Expectation
    - 1) CMS Policy Memorandum
- e. The Medicare Set-Aside (MSA) Arrangement Overview
  - i. Allocation Amount
  - ii. Funding the MSA Account or Trust
  - iii. Administering the MSA Account or Trust
  - iv. Submitting the Proposed MSA Arrangement to CMS
  - v. Unused Funds
- f. Past Medicare Payments
- g. The Emergence of the Professional MSA Allocator
  - i. Core Competencies
- h. Multidisciplinary MSA Team
  - i. The Specializing Attorney
  - ii. The Professional Allocator
  - iii. The Structured Settlement Broker
  - iv. The Professional Administrator/custodian
  - v. The Trust Officer/Institution
- i. Process Flow Chart
- j. Sample Cases

**Break      10:30 am - 10:45 am**

**IV. Medicare as the Secondary Payer  
10:45 am - 11:15 am**

*Beverly Manley, Esq.  
Law Offices of Beverly Manley & Associates, P.C.*

- k. Regulatory Framework
  - i. Medicare Secondary Payer Regulation
  - ii. Omnibus Reconciliation Act of 1980
  - iii. Deficit Reduction Act of 1984
  - iv. Omnibus Budget Reconciliation Act of 1986
  - v. Code of Federal Regulations
  - vi. Medicare Manuals
- l. Enforcement Provisions

- m. Case Law
  - i. Thompson v. Goetzmann
  - ii. Thompson v. Brown
  - iii. Other
- n. Class Action
  - i. Class Certification Attempts
  - ii. Current Status

**V. CMS Policy Memorandums: Highlights**  
**11:15 am – 12:00 pm**

*Robert T. Lewis, Esq.*  
*Capehart Scatchard*

- o. July 23, 2001
- p. April 22, 2003
- q. May 23, 2003
- r. Pending FAQ's re: liability cases

**Lunch**      **12:00 pm - 1:15 pm**

**VI. Medicare Conditional Payments**  
**1:15 pm - 2:00 pm**

*Beverly Manley, Esq*  
*Law Offices of Beverly Manley & Associates, P.C.*

- s. Medicare Conditional Payment "Lien" Investigation and Negotiation
  - i. Medicare Conditional Payment Claims
    - 1) Identifying
    - 2) Investigating
    - 3) Negotiating
- t. Medicare Secondary Payer Reporting
- u. Medicare Secondary Payer Investigation Methods
- v. Recovery of Conditional Payments
- w. Case Example

**VII. The Role of the Attorney Specializing in Medicare Set-Aside Allocations**  
**2:00 pm - 3:00 pm**

*Robert T. Lewis, Esq.*  
*Capehart Scatchard*

- a. Legal Considerations
- b. Coordination of Benefits
  - i. Veterans Benefits
  - ii. Group Health
  - iii. Medicare HMO
- c. Developing Internal Policies and Protocols
  - i. Educating claims staff
  - ii. Consistent approach
- d. In-house MSA's vs. Outsourcing
  - i. Looking for the right vendor
- e. Delay in CMS approval
  - i. Increased costs
  - ii. Lost settlements

**Break**      **3:00 pm - 3:15 pm**

**VIII. Medicare Basics**  
**3:15 pm – 4:00 pm**

*Ramone Kimmins*

- Determining what is Medicare Allowable
- i. Resources
  - ii. Examples

**IX. Panel Discussion with Faculty**  
**4:00 pm – 5:00 pm**

**FRIDAY, OCTOBER 8, 2004**

**X. Case Example Discussion**  
**8:30 am - 10:45 am**

*Ramone Kimmins, Patty Meifert & Nancy LaGasse*

MSA Allocation Report  
Submission of Allocation Proposal to CMS  
Relationship Between Life Care Planning & MSA's

**Break**      **10:45 am – 11:00 am**

**XI. The Role of the Structured Settlement Broker**  
**11:00 am – 12:30 pm**

*Michele Whitmore*  
*Settlement Consultant*  
*Settlement Strategies, Inc*

- a. What is a Structured Settlement Broker
- b. How does the Structured Settlement Broker work with the MSA Team
- c. The Advantages of Structured Settlements
  - i. Examples
- d. Types of Fixed Annuity Benefits
  - i. Life Only
  - ii. Life with Period Certain
  - iii. Certain Only
  - iv. Guaranteed Lump Sum Payments
  - v. Life Contingent Lump Sum Payments
  - vi. Simple and Compound Payment Increases
  - vii. Immediate and Deferred Start Dates
- e. Variable Annuity Benefits
  - i. Comparison to Fixed Contracts
  - ii. Application
- f. Rated Age Evaluations
  - i. Methodology
  - ii. Application

**Lunch**      **12:30 pm – 1:30 pm**

**XII. The Role of the Professional Administrator**  
**1:30 pm – 2:45 pm**

*Robert Barson*  
*Medivest, Inc.*

- g. Administration Requirements
  - i. 42 CFR 411.46
  - ii. Professional – Custodial Account
  - iii. Self Administration – Interest Bearing
  - iv. Full Understanding of Account, CMS Administrative Requirements

- h. Professional Administration
  - i. MSA Custodial Agreement Administration
  - ii. MCA Administration
  - iii. IBA, MSA Allocation
  - iv. IBA, MSA Allocation
  - v. Allowable vs. Non Allowable
  - vi. Accounting
  - vii. Written Requests
  
- i. Self Administration by Beneficiary
  - i. Understanding of Account, what to pay and not to pay
  - ii. Understanding of Fee Schedule
  - iii. Understanding of an “up coded” or “unbundled” charge
  - iv. Reporting to CMS / COB
  
- j. Working with an Allocator
  - i. Referring Source
  - ii. Rated age / Settlement Broker
  - iii. Custodial Agreement / Appropriate Language SA vs. PA
  - iv. Importance of Fees / Submittal / All Inclusive
  - v. Settlement Release, Annuity Language, Breakdown of MSA amount from other medical
  
- k. Things to Avoid as an Allocator
  - i. Pressure of “the time frame cooker”
  - ii. Pressure to “change your numbers”
  - iii. Getting involved with administration questions

**Break            2:45 pm – 3:00 pm**

**XIII.** Medicare/MSA's Meet Medicare Special Needs Trusts: Coordination of Benefits for Client Survival and Quality of Life  
**3:00 pm – 4:00 pm**

Tim Nay

**XIV.** Panel Discussion  
**4:00 pm – 4:45 pm**

**XV.** Closing Instructions for Distance Learning Portion of Program