

NAMSAP *news*

National Alliance of Medicare Set-Aside Professionals

Letter from the President

Dear Members:

I am very excited to serve as NAMSAP's second President. As a co-founder of this organization, the goal was to provide a forum for debate, a venue for shared ideas, and a mechanism to raise the standards in the MSA industry. I think we have done a great job over the past two years and Patty Meifert is owed a debt of gratitude for her efforts in this respect. Thank you very much Patty!

Due to the growth in the MSA industry and the growing number of members in our organization, I believe it is time to take NAMSAP to the next level. I have made a commitment to the organization, and would like to share with you some of my goals for the organization to increase our stability and expand our reach:

- Standardize customer service
- Increase our general membership
- Increase our membership among carriers, third-party administrators, and self-insureds
- Increase our recognition in the workers' compensation industry as a whole
- Reach out to other national organizations
- Continue to push for cooperation with CMS
- Distribute a quarterly newsletter
- Host a West Coast and East Coast Seminar
- Have regular webinars addressing "hot topics"
- Establish a President's award to be given each year for outstanding contribution and/or excellence in the MSA industry

These are some lofty goals and with hard work and dedicated membership, I believe they are all very achievable. In order to move forward with these goals, we are happy to announce two new Board Members:

- John Williams, CEO of Gould and Lamb
- William VanWambeke, Legal Counsel for MHayes & Associates / former counsel for St. Paul Travelers

These Board members provide much needed dedication and commitment to the MSA industry and we are thrilled to welcome them on board! Since our annual meeting we have also created four "new" committees:

- Education
- Standards & Ethics
- Membership
- Government Affairs

Each member of our Board will be assigned to a committee and responsible for reporting on the activities and plans for improvement in these specific areas. The goal now is to get as many members as possible to join a committee so we can capitalize on the strengths of our members. Based on recent postings addressing the need for an ethics committee, I would strongly encourage you to join one or more of these committees.

As a Board, we spent some time recently reviewing our Mission Statement and Purpose. I also think it is a good exercise for our members to review and decide how you may benefit from increased involvement in this organization:

The mission of NAMSAP is to foster the highest standards of integrity and competence among Medicare Set-Aside professionals and those they serve.

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The purposes of NAMSAP are:

- To develop standards and define best practices for the industry;
- To promote a multidisciplinary approach to the Medicare Set-Aside practice;
- To provide a forum for learning and shared knowledge between all associated disciplines;
- To provide a unified voice to affect change and improve the Medicare Set-Aside process; and
- To protect the interests of all parties in settlements involving Medicare Set-Aside related issues.

Keep in mind, we are a non-profit organization and we are dependent upon the volunteer efforts of everyone. We would welcome your involvement in a number of different ways, including, but not limited to:

- Writing articles for our newsletter
- Speaking at webinars

- Helping to organize seminars / annual meetings
- Contribution to the list serve
- Serving on one of the above committees
- Soliciting membership
- Working as a liaison with various organizations
- Working as a liaison with CMS to advocate for improvement in the MSA process

I would ask you to think about getting involved and make a commitment to the improvement of our organization and the MSA practice as a whole. If you have any questions, please feel free to contact me directly. My contact information is as follows:

Email: rlewis@croweparadis.com
Toll-Free: 866-630-CPSC x 2068

Thank you,

Robert T. Lewis, Esq.
Crowe Paradis Services Corporation

HR 5309

NAMSAP would like to clear up a major misunderstanding that was recently brought to our attention. – NAMSAP has not opposed H.R. 5309.

This organization has stated on numerous occasions that we are not taking any position with respect to the proposed legislation. The facts are as follows:

- We had a webinar program on H.R. 5309
 - We presented both sides of the argument for debate
 - We made it clear that the opinions of the panelists were not representative of our organization
- We had Eric Oxfeld from U.W.C. present at our annual conference
- We have two members of our Board of Directors (William VanWambeke and Rob Lewis) who worked with U.W.C. in various capacities with the drafting of the legislation.

For our organization to take a position, one way or the other, would alienate a large portion of our membership. That is not our purpose or mission!

News of Note

NAMSAP is very pleased to announce that Tom Spratt has agreed to serve as Chairman of the Standards and Ethics Committee. With much debate over the last few weeks on the ListServ NAMSAP felt that it was critical to address these issues head on. Tom is an ideal candidate with over 40 years experience in the insurance industry, including 15 years as manager of the Home Office Examining unit of Liberty Mutual where he was responsible for high exposure WC losses countrywide. His expertise spans both state and federal jurisdictions as well as Employers Liability matters. At Liberty Mutual he developed a ground breaking and widely emulated MSP compliance program. He has spoken on this subject at national industry conferences. He has a long record of involvement in the insurance industry, serving on committees of the Workers Compensation Research Institute (WCRI), the Property Casualty Insurers Association of America (PCIAA) and the Strategic Services on Unemployment and Workers Compensation organization (UWC).

NAMSAP / NSSTA

Board Members Michael Westcott and Robert Lewis will be speaking together at the National Structured Settlement Trade Association (NSSTA) convention in Toronto, Canada on April 24, 2007. This is one of our first efforts to reach out and coordinate with other national organizations in the Workers' Compensation and Liability arenas. Below is a copy of the program description:

- 10 years ago no one even thought of doing a Medicare Set Aside to settle a Workers Compensation claim. Today an average of 1,000 MSAs are done each week and we still are not at 100% compliance in the industry. This affects the structured settlement world on a daily basis. We will be presenting a workshop on what a MSA is, the state of the industry, the role of MSA vendors, the impact on brokers in their practice, how both casualty and life companies are effected and where we are going from here. NSSTA led the industry in understanding how this all would effect the WC world, and next it will impact all liability suits. This program will prepare you with an understanding of the issues and some guidance on how to prepare for the future. The program will start with a one hour overview of the industry, then a six person panel will address the hot issues in MSAs; all to be followed by a lively discussion. We will also cover recent meetings with CMS and the legislative outlook. The chairs of government benefits committee will be joined by the President of the National Association of Medicare Set Aside Professionals, a representative of a Property Casualty Company, and a representative of the life insurance industry.

Mark Your Calendars

NAMSAP is going to host an East Coast program on July 20, 2007 in Boston, Massachusetts. This will be a unique program with presentations from industry experts. More to follow in the coming weeks.

NAMSAP MSA Training

I must apologize to all of our members for the delay in completion of the training Modules. Trying to get everyone trained on the technology and scheduling time for recording of these programs has been extremely difficult. However, they are nearly complete and will be rolled out in March. It will be worth the wait! We have a number of interesting presentations and some really great speakers. Thank you for your patience!

Partners

Corporate partners play an important role in the life of the National Alliance of Medicare Set-Aside Professionals, Inc. Your company can help support significant events and programs and contribute gifts and in-kind services that enrich the overall quality of services NAMSAP can provide to its members. In return, you have privileged access to the influential members of our community. For more information regarding sponsorship go to http://www.namsap.org/partner_benefits

Platinum

Protocols is a multidisciplinary consulting firm that specializes in medical settlement planning for all parties involved in workers' compensation and personal injury liability cases -- from the simple to the complex. The Protocols team of experts -- medical, benefits and legal -- works together with clients to create a comprehensive plan for the projected medical care of an injured person. We also advise on the best and most cost-effective way to finance this care. Among Protocols specialty services are medical cost projections, life care planning and Medicare set-aside analysis, allocation and administration.



Medivest
Center for Special Needs Trust

Silver

CompEx
Law Offices of John J. Campbell, P.C.
Law Offices of Nay and Friedenber

Works Compensation Medical Cost Containment Strategy

Needlessly Soft Tissue workers compensation claims are significantly increasing medical expense to the workers compensation industry as a whole. Most cost containment experts focus on increasing medical rates as a mechanism to offset this phenomenon. In reality, an employer who understands the following two rules will dramatically reduce soft tissue injury costs:

1. Create soft tissue recovery time through original job enhancements - at the worksite while the worker is productively working.
2. Job enhancements must be based in the medical protocols recommended for claimant.

Our experience is employers who embrace these injury/ exposure control rules more commonly find no cost or low cost solutions for the RTW employee. In return, the employer commitment or “buy-in” reflects the needs of the employer and employee, and will shorten a claimant’s medical utilization.

Interestingly the most underutilized soft tissue injury tool by most Claims Managers is the “buy-in” from the employer. Thousands of work station evaluations performed every month will undoubtedly recommend equipment (cost), or modifications (time and costs), and rarely if ever reflect the Production/ Business Needs for the RTW to be successful for the injured employee AND the employer.

Buy-in from the employer creates a smooth transition back to work even if the employer is a “good” insured. Without “buy-in” the job analysis or modifications may lag in purchase time or not get purchased at all. If the medical release requires specific modifications, without having the employer buy-in the claim remains open and injury recurrence may happen.

Few healthcare providers who perform work-site evaluations or job analysis are trained as experts in work. Their expertise is Anatomy & Physiology (A&P). Few Safety representatives are trained in business or in A&P.

Coincidentally, the experts trained in the study of work are also trained in both A&P and work design. These are called ergonomists. Ergonomics, meaning the study of work, incorporates the applications in the return to work (RTW) plan to fulfill the needs of the...

Employer Employee Physician Adjuster.

The business needs of the injured employee must be addressed within the RTW along with the medical. Solutions should not depict a snapshot of the day during the workstation evaluation - rather the solution(s) must reflect the end of the quarter push or seasonal influx of business. Otherwise the adjuster has an answer useful only for the date of the report of the one-time onsite visit.

Workers compensation claims organizations who understand the business/ ergonomics combination will minimize or eliminate contagion injury effect (additional claims), catalog purchase of useless equipment (cost to the file) and ‘needy’ employees that believe equipment purchasing is the answer. All of these drive the length of the claim and over utilization of medical professionals and conservative treatments. Those who use the combined business/ ergonomic effort will understand how the claim life becomes up to 40% shorter duration, thus dramatically reducing overall claims expense and remaining well below reinsurer’s attachment levels. Integrating this business/ ergonomics approach is a step towards containing overall medical expense while enhancing the medical care and outcomes that medical providers offer. For more information, please feel free to contact:

Michael S. Grasso, MS, CPE
Vice President

Board Certified Professional Ergonomist

Kurt Rever, MS, MS
Ergonomist

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