Legal Take: Active Employees over 65 and Medicare
A number of members have inquired about whether they can encourage active clergy, religious or lay employees over age 65 to drop their group plan and elect to make
Medicare their primary healthcare payer. According to Catholic Mutual Group’s strategic legal partner, Akerman LLP, "Pursuant to the Medicare Secondary Payer Rules, an employer with at least 20 employees may not encourage individuals (including lay employees) with a current active employment status that have reached age 65 to drop their employer group health coverage in favor of Medicare."

With limited exceptions, the Medicare Secondary Payer Rules generally apply to both "employees" and "independent contractors" that are otherwise eligible for coverage under an employer group health plan. Under these rules, a member of the clergy is generally considered to have "current employment status" with the diocese if he is receiving cash remuneration from the diocese or other religious organization for services rendered and may generally not be forced off an employer group health plan upon attaining age 65.

Similarly, active members of religious orders who have not taken a vow of poverty may generally not be forced off an employer group health plan upon attaining age 65 if: (i) the religious order pays FICA taxes on behalf of that member, or (ii) the individual is receiving cash remuneration from the religious order.

Members of religious orders that have taken a vow of poverty may be removed from employer group health plans upon attaining age 65. However, this exception does not apply if the religious order member receives an offer of group health coverage for services performed for a different employer (i.e. if he or she teaches at a church school that offers him/her enrollment in its group health plan, that school's group health plan would not be able to remove him/her at age 65).

There are also statutory exceptions from the Medicare Secondary Payer Rules for group health plans sponsored exclusively for self-employed persons. It is currently unsettled whether clergy should be treated as "employees" or "self-employed" individuals for purposes of the Medicare Secondary Payer Rules. However, organizations that have taken the position that priests should be classified as self-employed may have chosen to create a plan solely to cover those individuals. In such instances, we would encourage the diocese to not only ensure that the plan was subject to separate certificates of coverage /claims administration agreements, but also to consider differentiating the benefits and coverage available under each plan, and to be sure that communications/underwriting/premium remittance for each of the plans are conducted completely separate from the other.

For more information or to ask about specific circumstances, please contact us.

Pharmacy Focus with CVS/Caremark | Keeping the Opioid Crisis at Bay

The opioid crisis is a national epidemic that may be affecting more Americans than we realize. According to a 2015 U.S. Department of Health and Human Services report, 12.5 million Americans reported having misused opioids, and in more than 35 percent of those cases, the drugs were originally prescribed by a doctor. Our pharmacy partner CVS/Caremark details the steps they are taking to help our members enhance their plan design to contain costs and manage and minimize the potential for abuse.

Benefit Tip | Winning at High Deductible Health Plans (HDHP)

For employers considering adding a HDHP option to their health plan portfolio, employee education is key. To help ensure success, we suggest 12-18 months of communication, using a variety of different media, such as lunch-and-learns, emails, text, paper, videos, podcasts, etc. The topics should center on how employees can be better consumers of
their own healthcare, and can include what tools are available through their insurance carrier (i.e. premium provider selection and cost for care estimators) and information about health savings accounts (HSAs) including guidelines and the benefits of contributing short-term and long-term. For more information, please click here.

Wellness Corner | Healthier Green Bean Casserole

The holiday season is almost upon us, and with it brings many beloved holiday recipes. But whether you’re committed to a healthier lifestyle, or just want to save room for that extra piece of pie, not all holiday recipes have to be carb-fat-calorie bombs. We found this take on green bean casserole from Delish.com that offers all of the flavor - without all of the guilt.

Ingredients
1 tbsp. extra-virgin olive oil
1 small onion, sliced
8 oz. sliced mushrooms
2 cloves garlic, minced
1/4 c. (4 tbsp.) butter
1/4 c. all-purpose flour
2 c. skim or 2 percent milk
1 c. low sodium chicken or vegetable stock
Kosher salt
Freshly ground black pepper

Directions
-Preheat oven to 375°.
-In a large skillet over medium heat, heat oil. Cook onions until slightly golden and tender, 4 to 6 minutes.
-Remove from skillet and place in a medium bowl. Toss with Panko until coated and season with salt and pepper.
-Prepare an ice bath. In a large pot of boiling water, add green beans and cook until bright green and crisp-tender, about 3 minutes.
-With a slotted spoon or tongs, quickly transfer green beans to ice bath to cool, then drain and transfer to a large bowl.
-In a large ovenproof skillet over medium heat, heat oil. Add onions and cook, stirring occasionally until tender, about 5 minutes.
-Add mushrooms and season with salt and pepper. Cook, stirring often, until mushrooms are golden, about 5 minutes more.
-Stir in garlic then transfer mixture to the bowl with the green beans.
-Melt tablespoons of butter in the same skillet over medium heat. Whisk in flour and cook until golden, about 2 minutes.
-Gradually whisk in milk and stock and bring to a simmer. Cook until thickened, about 4 minutes. -Remove from heat then add green bean mixture and toss until even combined.
-Transfer mixture to a medium casserole dish.
-Bake until warmed through and bubbling around the edges, about 20 minutes. Top with "fried" onions and bake 10 minutes more until golden.

People Are Talking
"We strongly encourage you to investigate the advantages of the Catholic Mutual Group's Employee Benefit Buying Alliance. We undertook a large project this past year by
changing our one health plan option and adding a second HDHP option. CMG’s expertise and experience in advising/consulting on the implementation of these multiple plan offerings was invaluable. Their step-by-step process of asking questions to understand our goals, structuring plan designs to meet these goals and effectively helping to establish premium rates for each unique plan design exceeded all of our expectations."

-- Michael Sabatino, CPA, Chief Financial Officer, Office for Planning & Financial Services, Diocese of Providence

Annual Meeting Update

Mark your calendars for the 2019 Catholic Mutual Benefit Buying Alliance Annual Meeting on February 6, 2019 at the Sandpearl Resort in Clear Water Beach, FL. More information will be coming soon!

Benefit Beat is a publication of C.M.G. Agency, Inc. Please feel free to share this newsletter with any staff, clergy or other members of your diocese for whom you think it would be useful. And, if there's anything you would like us to cover in a future issue of Benefit Beat, please contact us.