

The background of the entire page is a dense, repeating pattern of dark green leaves, likely basil, with prominent veins. The leaves are arranged in a somewhat chaotic but natural-looking pattern, filling the entire frame. The color is a deep, slightly muted green, giving it a professional and natural feel.

Healthcare Fiduciary Guide

 Ameriflex

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I. Fiduciary Duties for Health Plans

Below are the principal duties owed by health plan fiduciaries under the CAA and ERISA case law:

A. Act solely in the best interests of plan participants and beneficiaries

- All actions taken by the plan must be for the exclusive purpose of providing benefits.
- Disclose and avoid all conflicts of interest.

Tip:

Fully think through all financial conflicts of interest, which is the highest risk area; any discounts, free stuff, trips, gifts, etc., given by a broker could be seen as a conflict of interest.

B. Carry out duties with prudence

- Exercise skill, care, and diligence in responsibilities.
- Document the process for all health benefit decisions. (See Appendix A)
- Ensure adequate expertise for plan decisions; ex. avoid having your CTO choose benefits, as they do not have experience in that space. (See Appendix B)

Tips:

- Ensure there is documented governance around these steps, and that you have documented the completion of these steps; for example, this can be recorded in meeting minutes.
- Establish a process to regularly monitor group health plan fees to ensure they are reasonable and in accordance with industry standards. Consider conducting an RFP for group health plan service providers every few years to benchmark and compare fees and providers, and evaluate negotiated pricing for underlying drugs and health care services accessed through the service provider.
- Document the review process and specify how the reasonableness of compensation was determined in selecting and monitoring service providers. It is vital to document a well-designed and prudent fiduciary process for group health benefit plan governance. (See Appendix C)

C. Follow plan documents

- Day to day operation of any plan should not deviate from what is laid out in plan documents.
 - If updates are needed as a result of process changes, be sure to update the plan documents accordingly.

D. Hold plan assets in trust

- Anything defined as a plan asset should be held in trust.
 - This includes all participant and beneficiary contributions paid to the employer and withheld from the employee.

E. Ensure that plan expenses are reasonable

- Analyze and monitor plan service providers for the reasonableness of fees.

Tip:

Document this analysis, as this is a large area of potential exposure. (See Appendix C)

VII. Appendix I: BYOP Communication Templates

*The below emails are for our Build Your Own Plan (BYOP) clients, for use in promoting the benefits and helping combat the risks of the CAA and MHPAEA.

Offering Telescope Health ONLY - Email Templates

Email 1: Introductory

*Recommend sending within the first week of access

We want to provide the resources you need to live a healthy life and as such, we're excited to announce a valuable addition to our benefits package: Telescope Health! With Telescope Health, you have access to on-demand virtual care that prioritizes your well-being. Their care navigation team guides you along every step of your healthcare journey, ensuring you receive the support you need, when you need it, including with your existing providers.

Why should you use Telescope Health?

- 1. Anywhere, Anytime:** With 3 clicks, you're speaking to a Telescope Healthcare provider, 24/7. No more long wait times or scheduling conflicts trying to see a provider in-person.
- 2. Care Navigation:** Whether you need to find a specialist or simply guidance on where to seek treatment, Telescope Health provides local care options and schedules referrals tailored to your needs.
- 3. Efficiency:** Using Telescope Health means faster access to care and improved outcomes for your health concerns.

Ready to enroll? We've made it easy – just click here (hyperlink).

To learn more about the benefits and features of Telescope Health, check out **this 1-page document** or visit **this website**.

Thank you for your attention, and we hope you take full advantage of Telescope Health!

Appendix F: SAMPLE Vendor Assessment Template

Third Party Vendor Risk Assessment & Scorecard

*Rank each potential vendor (1-5) based on the below criteria. Add or remove criteria to suit the needs of your organization.

	Vendor 1	Vendor 2	Vendor 3	
1. Company Information				Basis for Score
Years in Business				
Certifications				
References				
2. Quality and Compliance	Vendor 1	Vendor 2	Vendor 3	
Quality Assurance Program				
Regulatory Requirements				
Periodic Audits				
Critical Data Audit Trails				
3. Technology and Security	Vendor 1	Vendor 2	Vendor 3	
Formal System/Software Lifecycle				
Change Management & User Access Processes				
Access Authorization Process				
Disaster Recovery & Business Continuity Plans				
Incident Management & Information Security Programs				
Physical Security of Data Center				
Inventory of Assets & Authorized Devices				
Systems/Applications offer Single Sign-On (SSO)?				
4. Support	Vendor 1	Vendor 2	Vendor 3	
Support Agreement				
Availability				
Adequate Help Desk Support				
TOTAL VENDOR SCORE				

*This Guide does not and is not intended to constitute legal advice; instead all information, content and materials are for general informational purposes only. No user of this Guide should act or refrain from acting on the basis of information in this Guide. Only your attorney can provide assurances that the information contained here and your use of the information is applicable and appropriate to your particular situation. This Guide does not create an attorney-client relationship between any party, nor do the authors of this guide serve as your plans fiduciary. This Guide is provided "as is" and no representation is made that the content is error-free.