

Questions from the November 2, 2017 Open Enrollment Webinar

TOPIC: Surgery Decision Support (SDS) Program

Click [here](#) to get more information about how the SDS program works.

Q1. What are the steps required to complete participation in the SDS program?

Q1. How does one document that they had the conversation of other options with their doctor? Are you requiring a form? Are you involved in the discussion? If yes, isn't that a violation of privacy?

A1. To avoid paying the additional \$1,000, complete these steps before the surgery is performed:

- Enroll in the SDS program by calling ConsumerMedical at 1-888-361-3944 at least 30 calendar days before the date of your scheduled surgery.
- Actively work with a Nurse Ally to get information about your diagnosis, treatment options, questions to ask your doctor and specific information based on your preferences. This includes an initial phone call and one or more follow-up calls with your Nurse Ally.
- Complete a telephone survey at the end of the program.

Once you complete all of these steps, you will receive a certificate of completion. If you decide to have the surgery anytime in the following 12 months, you will not have to pay the additional \$1,000. Click [here](#) to get more information about how the SDS program works.

Q2. What about emergency hysterectomies following trauma after birth?

A2. Participants who suffer emergencies, such as emergency hysterectomies following a birth, are not required to participate in the SDS program and will not have to pay the additional \$1,000.

Q3. I am having one of those five procedures in December please confirm that participation in SDS in NOT required.

A3. Confirmed. The participation requirement does not begin until January 1, 2018; said otherwise, people who have any one of the five procedures before January 1, 2018 are not required to participate in the SDS program.

Q4. Doesn't the surgery requirement take away decision making from the patient and their doctor essentially giving the insurance company control to determine what is needed?

A4. No. The decision about which treatment to have is left up to the member and his/her physician. Pearson is not requiring or recommending one treatment over the other. The participation in the program only ensures that the patient has received all the relevant information about all treatments available.

Q5. What if an emergency Hysterectomy is needed? Will you have to pay the additional \$1k?

A5. See Q/A #2 above.

Q6. How long does it take to complete SDS program? In other words, how long would the surgery need to be delayed in order to meet the SDS requirements?

A6. You need to call/participate in the program at least 30 calendar days before the date of your scheduled surgery.

Q7. For the surgery section you covered...you don't sign up for this in advance...only if you find later that you need this, correct?

A7. Correct, you don't need to sign up in advance, only if you find out later that you need to have one of the five surgeries. You need to call/participate in the program at least 30 calendar days before the date of your scheduled surgery

Q8. What about such when such surgery is required due to emergency situations - such as hip replacement needed after severe hip fracture?

A8. See Q/A #2 above.

Q9. Does Hip Revision also need SDS participation?

A9. No. Hip revision does not require SDS participation.

Q10. So, can the GPS/SDS recommend that surgery is not needed and the insurance doesn't have to pay if the patient goes ahead with surgery?

A10. SDS does not recommend any treatment plan and the information provided is not associated with the insurance company.

Q11. What if you do not want to discuss this with someone other than your doctor? Is this legal (under HIPAA)? But aren't you forcing us to initiate the conversation?

A11. Yes, it is legal under HIPAA because you are initiating the conversation with the Nurse Ally of SDS. No one is sharing any of your protected health information. It is still up to you if you want to participate in the SDS program however, not doing so will result in you paying an additional \$1,000 when the claim is processed.

Q12. Does the hysterectomy include partial hysterectomies?

A12. Yes, it does. Non-emergency partial hysterectomies are included in the requirement.

Q13. If Pearson is requiring you to discuss a condition with a third party, then how is that considered voluntary participation in SDS?

A13. It is your decision if you want to participate in the SDS program however, not doing so will result in you paying an additional \$1,000 when the claim is processed.

Q14. How are employees reminded or otherwise made aware of the need to go through the program (formerly GPS), at the time they actually need the service? Employees often do not pay attention to specific benefit requirements if it's not applicable to them at the time.

A14. Reminders will be sent out periodically to employees about the program. In addition, Cigna and Anthem have been educated about the program and will be able to discuss it with employees if necessary.

Q15. For the SDS, is that annual enrollment, or at time of physician confirmed diagnosis?

Q15. For SDS, we need to enroll annually, or at time of physician diagnosis?

A15. Participation is required at the time of a physician-confirmed diagnosis.

Q16. If we opt for the recommended surgery after talking with the SDS about alternatives, are we still responsible for paying the additional \$1,000 for the surgery?

A16. You are only responsible for the additional \$1,000 if you do not participate in the program. It's important to know that you still have full control over your medical care and decisions. The SDS program will not tell you what treatment to have or what doctor to see. The decision is yours to make—Pearson simply wants to help you be better informed.

Q17. If you're required to sign up for that program for the specific surgeries, then your privacy is already violated because you've been identified as needing one of those 5 surgeries. Would the company have a list of people who signed up for this?

A17. No. Pearson does not get a list of participants who need one of the five surgeries.

Q18. Is the Consumer Medical requirement an insurance company requirement, or a Pearson requirement?

A18. It is a Pearson requirement. You still have full control over your medical care and decisions. The SDS program will not tell you what treatment to have or what doctor to see. The decision is yours to make—Pearson simply wants to help you be better informed.

Q19. What are those 5 procedures?

Q19. Is there a list of specific surgeries that must go to SDS? Minor vs Major and what qualifies emergency? Only if Emergency room or provider recommends to be done ASAP?

A19. The five procedures are knee replacement, hip replacement, lower back surgery, hysterectomy and weight loss surgery. The provider determines if the procedure is an emergency.

Q20. What happens if the SDS nurse says that you don't need one of the five surgeries but your doctor says you do?

A21. The SDS program will not tell you what treatment to have or what doctor to see. You still have full control over your medical care and decisions. The decision is yours to make—Pearson simply wants to help you be better informed.

Q21. If SDS "recommends" an alternative treatment but you decide to have the surgery anyway, will you still be covered?

Q21. So, with SDS, if we do not elect to do what the company has recommended, do we pay the additional \$1,000?

Q21. If you and your doctor choose the treatment, what's the purpose of the SDS other than trying to trap people who fail to follow the procedure outlined into paying more?

Q21. What is the objective of SDS? To diagnose after we've already gotten a doctor diagnosis and can they deny the treatment?

Q21. So if SDS says they don't feel I need to have surgery at this time and recommend other modalities, do I still have to pay the \$1,000 penalty if my doctor and I decide to go ahead with the surgery?

Q21. Why is Pearson making SDS a requirement? And it is a requirement if you are fining people for not using it.

Q21. So, can the GPS recommend that surgery is not needed and the insurance doesn't have to pay if the patient goes ahead with surgery?

A21. The SDS program will not recommend a treatment or tell you what doctor to see. You still have full control over your medical care and decisions. It doesn't matter what treatment you ultimately decide upon—Pearson just wants you to make an informed decision. The SDS requirement is intended to reinforce the importance of making informed decisions about your care and is not based on the choice you make. As long as you complete the process, you won't be assessed the additional \$1,000.

Q22. How does Pearson know if you have had a discussion with your doctor? Is there a form the doctor has to complete?

A22. Pearson doesn't know if you have had a discussion with your doctor. The SDS program will advise Cigna or Anthem if you have completed the program and then your claim will be processed accordingly.

Q22. Do we need only SDS consult for the 5 listed or for all surgeries?

A22. The five procedures only. See Q/A #19 above.

Q23. Do you have to enroll in SDS for minor knee surgery like meniscus tears?

No. You do not have to enroll in the SDS program for minor knee surgery.

Q24. I posed this question earlier, but I don't know that it arrived: Regarding SDS, does the nurse advisor have access to my medical records regarding the physical condition.

Q24. Is my medical information regarding the condition be shared with the SDS nurse?

A24. No. The Nurse Ally does not have access to your records. Once enrolled in the SDS program, you will actively work with a Nurse Ally to provide information about your diagnosis, treatment options, questions to ask your doctor and specific information based on your preferences. This includes an initial phone call and one or more follow-up calls with your Nurse Ally

Q25. I see "consumer medical" on the quick links on the benefits site, but where would I find the instructions for what I need to do?

A25. Click [here](#) to access information about SDS requirements on the Pearson US Benefits website.

Q26. My follow up question did not get answered. You said that the SDS requirement does not violate HIPAA because the employee is voluntarily participating, but Pearson is making this mandatory for these procedures or a SUBSTANTIAL fine will be charged. How is this not a violation of HIPAA as Pearson is basically forcing employees to discuss their medical issues with a third party which is not their doctor

A26. HIPAA does not prevent employees from providing medical information to avoid a penalty or earn a reward if certain requirements are met. In 2013, the Internal Revenue Service, Employee Benefits Security Administration, and Health and Human Services issued a joint rule under HIPAA which states that an employer may impose penalties or offer rewards in exchange for participating in wellness programs which may require the individual to provide medical information. The penalties or rewards may not exceed 30% of the cost of health insurance coverage in which the employee is enrolled.

This programs is designed to comply with the rules described above, and the \$1,000 penalty for non-participation falls well below the 30% threshold described in each rule.

Q27. I see "consumer medical" on the quick links on the benefits site, but where would I find the instructions for what I need to do?

A1. To avoid paying the additional \$1,000, complete these steps before the surgery is performed:

- Enroll in the SDS program by calling ConsumerMedical at 1-888-361-3944 at least 30 calendar days before the date of your scheduled surgery.
- Actively work with a Nurse Ally to get information about your diagnosis, treatment options, questions to ask your doctor and specific information based on your preferences. This includes an initial phone call and one or more follow-up calls with your Nurse Ally.
- Complete a telephone survey at the end of the program.

Once you complete all of these steps, you will receive a certificate of completion. If you decide to have the surgery anytime in the following 12 months, you will not have to pay the additional \$1,000. Click [here](#) to get more information about how the SDS program works.