



10.

C.O.#139946

COMMISSIONERS COURT
COMMUNICATION

REFERENCE NUMBER

PAGE 1 OF 826

DATE: 12/13/2022

SUBJECT: **APPROVAL OF AMENDMENT TO THE SENIOR SUPPLEMENT GROUP HEALTH INSURANCE POLICY, AND AMENDMENT NO. 1 AND AMENDMENT NO. 2 TO THE MEDICARE ADVANTAGE WITH PRESCRIPTION DRUG BENEFIT GROUP AGREEMENT BETWEEN TARRANT COUNTY AND UNITEDHEALTHCARE INSURANCE COMPANY**

***** CONSENT AGENDA *****

COMMISSIONERS COURT ACTION REQUESTED

It is requested that the Commissioners Court approve an Amendment to the Senior Supplement Group Health Insurance Policy, and Amendment No. 1 to the Medicare Advantage HMO with Prescription Drug Benefit Group Agreement and Amendment No. 2 to the Medicare Advantage PPO with Prescription Drug Benefit Group Agreement between Tarrant County and UnitedHealthcare Insurance Company, formerly PacifiCare, effective January 1, 2023.

BACKGROUND

On August 9, 2022, the Commissioners Court, through Court Order Nos. 138765, 138766, 138767, 138768, 138769, and 138770, discussed and approved the continued selection of UnitedHealthcare as the insurance provider for the fully-insured group retiree Medicare-based medical plans and the contribution rates for funding the insurance program for Plan Year 2023. The Court approved renewal of the UnitedHealthcare plans at that time.

In 2010 and 2011, UnitedHealthcare assumed all the rights and obligations of PacifiCare Life Assurance Company (Senior Supplement Plan) and PacifiCare of Texas (Medicare Advantage Plan). Subsequently, the legal entity name of PacifiCare changed to UnitedHealthcare. These amendments include reference to the name change and noted that premium payments were to be made to UnitedHealthcare of Texas, Inc.

The Senior Supplement (PSS), the Medicare Advantage HMO (PMA), and the Medicare Advantage PPO (MPO) plans are designed for Medicare-eligible retirees/spouses. All three (3) plans are fully-insured through UnitedHealthcare and include prescription drug coverage (Medicare Part D) except for the Senior Supplement Plan (PSS). UnitedHealthcare, the Group Policyholder, has established the offering of Medicare-based retiree plans in accordance with the Centers for Medicare and Medicaid Services (CMS) rules for such services. CMS allows enrollment in only one Medicare Part D plan. This rule applies to the Senior Supplement Plan. Retirees/spouses that are enrolled in the PSS without prescription drug coverage may continue to "opt-out" of the supplement pharmacy plan if they have another Medicare Part D plan as a "grandfathered" group with the Senior Supplement Plan (PSS).

SUBMITTED BY: Human Resources

PREPARED BY: Amber Duckworth
APPROVED BY: Anjanie Ramnarine





COMMISSIONERS COURT COMMUNICATION

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Amendment to the Senior Supplement Group Health Insurance Policy updates the Senior Supplement Plan (PSS) Agreement to provide for 2023 rates (monthly premiums).

Amendments No. 1 to the Medicare Advantage HMO with Prescription Drug Benefit Group Agreements provides the rates for Plan Year 2023 (monthly premiums). (The Medicare Part D pharmacy benefit is referenced as the "MAPD Plan" in the attached Amendments.)

Amendments No. 2 to the Medicare Advantage PPO with Prescription Drug Benefit Group Agreements includes Attachment A "Court Order #134853 and Agreement", Exhibit A-1 "Rate and Fee Schedule 2023" and Exhibit B-1 "Plan Document - Evidence of Coverage 2023" to provide for 2023 plan coverage and rates.

The Amendments have been reviewed and approved by the PEBC and include the monthly rates and provisions authorized by the Court. In addition, the Amendments have been approved as to form by the Criminal District Attorney's Office.

FISCAL IMPACT

Plan costs for healthcare benefits for retirees and their respective dependents are accounted for in the benefits budget established for Plan Year 2023.

Please note: Due to the page length of the exhibits, multiple copies are not being produced for distribution. A complete copy may be viewed in the County Clerk's Office, except for any parts protected from release under Texas Government Code section 552.110.



**UnitedHealthcare Insurance Company
Hartford, Connecticut**

**Amendment to
Senior Supplement
Group Health Insurance Policy**

Policyholder: Public Employee Benefits Cooperative (Tarrant County)

Effective Date: January 1, 2023

Your Senior Supplement group health insurance Policy is hereby amended as follows:

The attached Policy Information Page has been revised to include the rates in effect as of the above effective date.

All other terms and conditions of the Policy remain as stated therein.

UnitedHealthcare Insurance Company



Jeffrey D. Alter
President

POLICY INFORMATION PAGE

GROUP POLICYHOLDER: Public Employee Benefits Cooperative (Tarrant County)
GROUP NUMBER: 06124
POLICY EFFECTIVE DATE: January 1, 2006
POLICY ANNIVERSARY: Each January 1
ELIGIBILITY: A Retiree as determined by the Employer
PREMIUM DUE DATE: First of the Month
PREMIUM IS PAYABLE: Monthly
BENEFIT PLAN(S): Custom

THE MONTHLY PREMIUM RATE SCHEDULE IS ATTACHED TO THIS POLICY INFORMATION PAGE

Monthly rate per retiree only: **\$397.76**

Monthly rate per retiree plus dependent spouse: **\$795.52**

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

COUNTY OF TARRANT

IN THE STATE OF TEXAS.

By

Authorized Signature

Print Name: Glen Whitley

Print Title: Tarrant County Judge

Date

December 13, 2022

United HealthCare Services, Inc.

By

Authorized Signature

Print Name

Print Title

Date

APPROVED AS TO FORM:

Criminal District Attorney's Office*

*By law, the Criminal District Attorney's Office may only approve contracts for its clients. We reviewed this document as to form from our client's legal perspective. Other parties may not rely on this approval. Instead those parties should seek contract review from independent counsel.

Certification of Available Funds: \$

Tarrant County Auditor

**AMENDMENT NO. 1 TO MEDICARE ADVANTAGE WITH PRESCRIPTION
DRUG BENEFIT GROUP AGREEMENT**

This Amendment No. 1 (this "Amendment") to the Medicare Advantage with Prescription Drug Benefit Group Agreement between UnitedHealthcare Insurance Company and its affiliates ("United") and Tarrant County, a political subdivision of the State of Texas ("Group"), as a member of the Public Employee Benefits Cooperative dated January 1, 2021 (the "Agreement") is made and entered into by United and Group effective on January 1, 2023.

WHEREAS, United is a Medicare Advantage plan sponsor certified by the Centers for Medicare & Medicaid Services ("CMS") to offer Medicare Advantage benefit plans; and

WHEREAS, Group is an employer or other entity which sponsors an employee welfare benefit plan and desires to provide a United Medicare Advantage Plan for its Eligible Retirees and their Eligible Dependents; and

WHEREAS, Pacificare of Texas, Inc. ("Pacificare") was awarded the bid of PEBC Request for Proposal No. 2005-001 ("RFP") and Group and Pacificare entered into an agreement effective January 1, 2006 to provide a Medicare Advantage plan; and

WHEREAS, on May 1, 2011 Pacificare changed its name to UnitedHealthcare of Texas, Inc., a wholly owned subsidiary of UnitedHealthcare Insurance Company; and

WHEREAS, United and Group, entered into the Agreement effective January 1, 2021 for provision of a Medicare Advantage with Prescription Drug Benefit (MA-PD) plan in accordance with CMS rules for such services. The Agreement was approved by Tarrant County Commissioners Court Order Number 134853 ("Court Order"). The Court Order and Agreement is attached hereto as **Attachment "A"**; and

WHEREAS, United and the Group agree and understand that the Agreement and this Amendment incorporates the RFP, United's (formerly Pacificare) response to the RFP dated June 30, 2005 (including clarifying information provided as part of the RFP process), and any and all subsequent agreements and amendments entered into between the Parties related to the RFP; and

WHEREAS, the Agreement allows the Parties to renew the Agreement for additional one (1) year periods (each a "Renewal Term") by mutual written agreement of the Parties; and

WHEREAS, if renewed, any Renewal Term shall begin on January 1, 2023 and end on December 31, 2023; and

WHEREAS, United and Group now desire to amend the Agreement with this Amendment to renew the Agreement for one (1) year until December 31, 2023, amend the Rate and Fee Schedule for the 2023 Renewal Term (as defined below), and update the Plan document for the 2023 Renewal Term; and

WHEREAS, prior to this Amendment, the Agreement was in full force and effect and all Parties were in compliance with all terms and conditions of the Agreement; and

WHEREAS, the Parties now seek to amend the terms and conditions of the Agreement as stated in this Amendment and affirm that all other provisions of the Agreement remain in full force and effect; and

NOW, THEREFORE, in consideration of the premises, inducements, covenants, agreements, conditions and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereby agree to amend the Agreement as follows:

1. Purpose. The purpose of this Amendment is to exercise the renewal option as authorized in SECTION 5 of the Agreement for the period of January 1, 2023 through December 31, 2023, replace the Rate and Fee Schedule for the 2023 Renewal Term, and update the Plan document for the 2023 Renewal Term.
2. 2023 Renewal Term. The Parties hereby agree to waive the requirement in SECTION 5 of the Agreement to provide written notice of renewal at least ninety (90) days prior to the end of the Initial Term. The Parties hereby agree to renew the Agreement for the additional one-year term. Therefore, this Amendment will commence on January 1, 2023 (the "Effective Date"), and unless terminated earlier as provided herein, will remain in effect through December 31, 2023 ("2023 Renewal Term").
3. Amendment.

A. SECTION 3.02 Plan Beneficiary Premium of the Agreement is hereby amended by deleting in its entirety Exhibit A – Rate and Fee Schedule and replacing it in its entirety with the attached **Exhibit A-1 – Rate and Fee Schedule 2023**.

B. The Plan document attached to the Agreement as Exhibit B is hereby amended by deleting it in its entirety and replacing it with the attached **Exhibit B – Plan Document – Evidence of Coverage 2023**.

4. Incorporated Documents

The following documents are attached to this Amendment and are made part of this Amendment:

- (a) **Attachment A – Court Order 134853 and Agreement**
- (b) **Exhibit A-1 – Rate and Fee Schedule 2023**
- (c) **Exhibit B-1 – Plan Document – Evidence of Coverage 2023**

PEBC Request for Proposal No. 2005-001 and United's (formerly Pacificare) June 30, 2005 response to PEBC Request for Proposal No. 2005-001 are incorporated by reference as if fully reproduced herein.

5. Any capitalized term used but not defined in this Amendment shall have the definition assigned to it in the Agreement.

6. No Other Changes. Except as specifically amended and modified by this Amendment, all of the terms and conditions of the Agreement shall remain the same. The Agreement shall continue in full force and effect and with this Amendment shall be read and construed as one instrument.
7. Counterparts and Electronic Signatures. This Amendment may be executed in any number of counterparts, each of which so executed shall be deemed to be an original, and such counterparts shall together constitute but one and the same Amendment. The Parties shall be entitled to sign and transmit an electronic signature of this Amendment (whether by facsimile, PDF or other email transmission), which signature shall be binding on the Party whose name is contained therein. A signed copy of this Amendment transmitted by facsimile, email or other means of electronic transmission shall be deemed to have the same legal effect as delivery of an original executed copy of this Amendment for all purposes.
8. Acceptances. By their signatures below, the duly authorized representatives of the Group and United accept the terms of this Amendment in full.

IN WITNESS WHEREOF, United and Group have executed this Amendment to the Medicare Advantage with Prescription Drug Benefit Group Agreement on the date indicated below.

SIGNATURE PAGE FOLLOWS

United Healthcare Insurance Company
185 Asylum Street
Hartford, CT 06103-3408

By: _____
Authorized Signature

Print Name: _____


Print Title: _____

Date: _____

Tarrant County
100 E. Weatherford St., Suite 501
Fort Worth, TX 76196

SIGNED AND EXECUTED this 13 day of December, 2022.

COUNTY OF TARRANT
STATE OF TEXAS


B. Glen Whitley
County Judge

APPROVED AS TO FORM:


Criminal District Attorney's Office*

CERTIFICATION OF
AVAILABLE FUNDS: \$ 3,998,429.76


Tarrant County Auditor

*By law, the Criminal District Attorney's Office may only approve contracts for its clients. We reviewed this document as to form from our client's legal perspective. Other parties may not rely on this approval. Instead those parties should seek contract review from independent counsel.