



# The View

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## **JUNE 12<sup>TH</sup>: ANNUAL AWARDS LUNCHEON**

Please make plans now to attend our annual awards luncheon on Thursday, June 12th from 11:30am to 1:30pm. June marks the end of FWAHU's chapter year, so at the luncheon we will recognize the board members who have led this association for the past twelve months and induct the board members for the next chapter year. Following the induction ceremony we will present several local awards, including Member of the Year, Volunteer of the Year, and Recruiter of the Year. LPRT qualifiers, Triple Crown winners, HU-PAC & TAHUPAC contributors, and members with new industry designations will also be recognized. We'll conclude our meeting by presenting one of our members with the Donna Carnall Career Achievement Award, the highest honor that can be bestowed on a FWAHU member.

### **COST & RESERVATIONS**

The cost of the luncheon is \$20 for both members and non-members. As always, season pass holders get in for free. You can reserve your spot by going to [www.fwahu.org](http://www.fwahu.org) and clicking on "Upcoming Events". Please make your reservations no later than Tuesday, June 10<sup>th</sup>.

## **July Meeting** **Insuring Your Future as an Agent -** **The benefits of membership in NAHU**

We all have the opportunity to network and experience camaraderie with our peers at the monthly lunch meetings of FWAHU; but there is more to the story of NAHU than that. Danielle Kunkle and Kelly Dills will review the resources and benefits of membership in NAHU, followed by an introduction to the tools available to members on the NAHU website. Being a member of NAHU is the simple thing to do to insure that your voice is heard in Washington as new bills are introduced that affect Health Care in America . So join us and learn more about how you can insure your future as an agent.

**Visit our website**  
**[www.FWAHU.org](http://www.FWAHU.org)**

### **MISSION STATEMENT**

The Fort Worth Association of Health Underwriters exists to inform and protect the consumer through the professional growth of its members.

***Letter to the President - Eric Johnson***

I wanted to briefly recognize the outstanding job you did directing the local branch of our association this past chapter year. As the media chair, I enjoyed seeing the thought process behind the decisions and the way in which you made each and every member of the board feel as though we had a part in the way our members were serviced throughout the term year! There is no doubt in my mind why FWAHU earned yet another Large Chapter of the Year award... It was your leadership, vision and commitment!

Now, for those who have never served... Why Not? I have been in this association for less than 3 years now, and can honestly say my membership did in fact mean nothing until I got involved. Sure I got some useful CE and a good meal once a month, but if you are not actively involved, you're missing out on so much more. The friendships made, the fun had and the accomplished feeling when you see the work you've done making a difference is more rewarding than any crème brule at the end of a satisfying lunch!

You also are more attuned to your industry and the impact you as an active member can have on it when you're actually living it through your involvement! These conventions, legislative events, and luncheons all build on your foundation within this industry. It also strengthens so many other facets of your professional life as you become privy to what it takes to run this association and the manner in which it must run to ensure the value we intend for it is met in each member!

OK, so I've rambled on enough, and just leave you with the thought that if a mere Underwriter has this desire to help our industry, think of all the possibilities abound if Brokers, Agencies, General Agents, etc. have a place at the table to direct our industry and this association into the future as well! It would be something amazing I am sure! We will always need collaboration at every level, from every member, experienced and inexperienced, so please do something, anything to promote it, support it, heck share it with any and all you meet!

***Rob Wendling***

## New Regulations on Medicare Advantage Sales

The Centers for Medicare and Medicaid Services have proposed new rules governing the sale and solicitation of Medicare Advantage plans.

Medicare Advantage plans are private health plan options, sometimes referred to as Part C, that provide all Medicare-covered health care to those who have Medicare Part A and Part B. These plans sometimes include coverage for prescription drugs. Prescription Drug coverage (Part D) is also included in some of the new proposals.

These new proposals would:

- Ban door-to-door and cold-calling solicitations
- Prohibit sales activities at health fairs
- Prohibit sales activities in waiting rooms of health care facilities
- Level commissions for the first two years on Medicare Advantage and Part D
- Require training on federal regulations governing Medicare products
- Prohibit cross-selling of non-health products to Medicare Advantage and Part D enrollees

Though door-to-door solicitation is currently banned, the proposed regulations on sales activities at health fairs and non-service areas of health care facilities would make the prospecting and sale of Medicare Advantage and Part D plans more difficult. Health fairs and activities at health care facilities are a major component of how Medicare beneficiaries get information on the options available to them. "Overall, it's a good step in the right direction to provide consumers with enhanced peace of mind," said Mohit Ghose, spokesman for America's Health Insurance Plans of Washington. "But we believe there needs to be a line of demarcation between going to a nursing home and having a health fair." "It's unclear as to whether or not a lead can be generated at a health fair, but members who participate find it's a good way to get general information to the population," said Jessica Waltman, vice president of policy and state affairs at the National Association of Health Underwriters in Arlington, Va. "Sometimes, because of a person's living situation, agents might set up a meeting with them almost immediately."

The proposal to level commissions on Medicare Advantage plans for the first two years is intended to discourage the "churning" of member policies to generate new commissions. Currently, most Medicare Advantage plans pay a higher first year commission.

A Training proposal would require all agents who sell Medicare products to receive training on the federal regulations that governs those products. They also would be tested on the rules. This, presumably, would be a single federal test to replace the individual carrier tests that are in place currently.

Finally, the final proposal would prohibit agents from cross-selling non-health-related products to Medicare Advantage and Part D enrollees.

AHIP and the National Association of Health Underwriters support CMS' intent to protect seniors and Medicare beneficiaries, without restricting access to service from an insurance agent and information on the plan options available.

"The proposed rule, which prohibits the sale of more than one product at a single client meeting, would eliminate an opportunity for legitimate sales and raise the possibility that an agent couldn't optimally serve the customer", Ms. Waltman said.

"For instance, if a client asked to meet with his life agent about Medicare Advantage and at that meeting requested a change to his life insurance coverage, the agent wouldn't be allowed to make the change. "

"There is no protection to create a safe harbor for agents with existing clients to allow them to address their existing problems," Ms. Waltman said. "We don't want to put agents in the position of liability because the person asks a question," Ms. Waltman added. "Are they not supposed to help the clients?"

### \*Sources:

"Feds propose tighter Medicare Advantage sales rules" by Darla Mercado, Investment News.com

"UPDATE 1-U.S. Medicare to tighten rules for private plans", Thompson Reuters

"Medicare Program; Revisions to the Medicare Advantage and Prescription Drug Benefit Programs", DEPARTMENT OF HEALTH AND HUMAN SERVICES - Centers for Medicare & Medicaid Services

## Dying Without a Will in Texas - What Happens?

By Jason Brower

### Question: ? Is it true that the state gets everything if I die without a Will??

Concerned clients routinely ask this question expressing their concern in keeping the State from taking their hard-earned estate upon their deaths. Fortunately, the State does not take the property of someone dying without a Will. Instead, Texas law dictates how the assets of someone dying without a Will are divided upon their death.

If you die without a Will, you are said to have died "intestate." When someone dies intestate, Texas law lays out how the estate will be distributed in the Texas Probate Code. Under those provisions, the law draws a distinction between "separate" property and "community" property. The Probate Code defines separate property as any property owned by the deceased prior to married and any property given to the deceased during their marriage or acquired by them as an inheritance from someone else. On the other hand, the Probate Code defines community property as all property acquired or accumulated during the marriage, other than property acquired by gift or inheritance, and Texas law requires different divisions of separate property than community property. These divisions can be somewhat complicated, but understanding their divisions makes intestate estates much easier.

Four basic scenarios illustrate the division of separate property upon someone's death. In the first and most common scenario, a person dies with a spouse and children. In such case, the surviving spouse takes one-third of the personal property, (non land assets) and the remaining two-thirds of the personal property is divided equally among the child or children of the deceased. The surviving spouse of the decedent is also entitled to possession for life, of one-third of the land of the deceased, with that one-third going to the children or descendants upon that surviving spouses death.

In the second common scenario, someone dies without a spouse but is survived by each of the children born to him or her during life. In that scenario, all of the property is divided equally between the children. This scenario results in the easiest division of the decedent's property.

In the third scenario, someone dies leaving a surviving spouse but does not leave any children or descendants. There, the spouse is entitled to all of the personal property and to one-half of the land of the Estate. The other half of the land would go to the father and mother of the deceased in equal portions. If only one parent survived the deceased, then that share of the land would be divided into two equal portions, one passing to the surviving parent, and the other passing to the siblings of the deceased. If there were no siblings, the entire share would pass to the parent. If no

parent survived the deceased, and there were siblings, the entire share would pass to the siblings.

The final scenario is where a person dies without a spouse and without children. This is the most complex scenario with five possible divisions, which are better explained in the following bullet points:

1. If both parents survive the decedent, then his estate passes to his father and mother, in equal portions.
2. If only one parent survives the deceased, then his estate will be divided into two equal portions, one of which will pass to the surviving parent, and the other passes to the siblings of the deceased.
3. However, if the decedent had no siblings, then all of the separate property would pass to the sole surviving parent.
4. Conversely, if neither parent is alive, but there are surviving siblings, then the whole estate passes to the siblings of the deceased.
5. Finally, if there is no parent nor sibling alive at the time of death of the decedent, the inheritance is divided into two equal parts. One part is passed to the paternal kindred, and the other is passed to the maternal kindred, in the following course:

to the grandfather and grandmother in equal portions if both are living.

If only one grandparent is living then the estate is split into two equal parts and one part goes to the surviving grandparent and the other goes to the descendant or descendants of such deceased grandparent.

If there is no surviving grandparent, then the whole of the estate goes to their descendants, and so on without end, passing in like manner to the nearest lineal ancestors and their descendants, but never to the state.

Like the provisions related to the division of separate property, the Probate Code also lays out the division of the community property of someone who dies intestate. Fortunately, the distribution scheme for community property is easier because community property, by definition, only exists if a spouse survives the decedent. Only three scenarios exist when someone dies intestate leaving community property: 1) no children or descendants, 2) children who are all children of the decedent and the surviving spouse, and 3) children or descendants who are not all descendants of the surviving spouse.

1. If the deceased had no children, then the entire community estate passes to the surviving spouse.
2. If the deceased had children, and all of such children were also the children of the surviving spouse, then the

entire community estate passes to the surviving spouse.

3. And finally, if the deceased had children or descendants other than those of the surviving spouse, then the surviving spouse retains her one-half (½) share of the community property, and the decedent's one-half (½) share of the community property is divided equally between the children or descendants of the deceased.

So, as you can see, Texas law makes it very clear that the court will find an heir and that heir will inherit your estate and your estate will not be turned over to the state for any reason. However, to ensure that your estate is divided the way you see fit, and

to avoid a costly administration, it is always the best bet to ensure that you have a valid Texas Will.

Mr. Brower is an experienced probate litigation attorney in Texas and has successfully represented clients throughout Texas in probate related matters. Please visit <http://www.fordmath.com> to learn more.

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## FWAHU May Recap

At our May luncheon, FWAHU members were presented with a short video of a talk by psychologist Barry Schwartz, author of a book called "The Paradox of Choice – Why More is Less." Mr. Schwartz explains in the video, as he does in his book, that Western dogma says if we are interested in maximizing the welfare of our citizens, the way to do that is to maximize individual freedom. If we have freedom then each of us can decide on our own how to maximize our welfare and nobody has to decide on our behalf. The way to maximize freedom is to maximize choice. The more choice people have the more freedom they have, and the more freedom they have the more welfare they have. This thought, Mr. Schwartz says, is so deeply embedded in our culture and our lives that it wouldn't occur to anybody to question it.

Choice is definitely a good thing, but, as Mr. Schwartz points out, it doesn't necessarily follow that more choice is better. All of this choice, he says, has two negative effects. One effect, paradoxically, is that it produces paralysis rather than liberation. With so many options to choose from, people find it very difficult to choose at all. Another consequence of having too many choices is that even if we manage to overcome our paralysis and make a decision, we end up less satisfied with the result of the choice than we would be if we had fewer options to choose from. Why? Because if you have a lot of options to choose from, it's easy to imagine that you could have made a different choice that would have been better. And

what happens is this imagined alternative induces you to regret the decision you made, and this regret subtracts from the satisfaction you get out of the decision – even if it was a good one.

Following the video, Eric Johnson discussed how we can apply Mr. Schwartz's findings to the insurance industry. Knowing that people have a difficult time making decisions and end up less satisfied with the decision they make when they are presented with too many choices could help agents when deciding which options to present to the client. As agents, part of our job is to talk with our clients, analyze their needs, and narrow down the options for them. Presenting them with *every* available option could actually be doing them a disservice.

Following the luncheon, Joanna Antongiovanni, South Texas Sales Manager for BenefitPort Southwest, presented her four hour CE "Group Insurance 101: An Introduction to Employee Benefits." The course was provided by the Texas Association of Health Underwriters (provider number 0426) and the course number was 47111C. The CE got great reviews and several guests were in attendance. This course was a great intro for new agents and a nice refresher for seasoned employee benefits professionals. Thanks to Joanna for making the trip from San Antonio to share her knowledge with us.

## Where are they now?

These members are about to let their membership lapse!! Please renew your NAHU membership by emailing Danielle Kunkle at [Danielle@consumerbg.com](mailto:Danielle@consumerbg.com).

**William Griffin** – AFLaC  
**Mika Devaney** – Texas Grain and Feed  
**Mike Evans** - Aetna  
**Josh Harbuck** – Harbuck & Associates  
**Robert White** – The Marketing Group  
**Doug Coursey** – Professional Health Ins Services  
**Lynn Johnston** – Johnston and Matthews  
**Jim Romaine** – Unicare



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Jim has been an active member of FWAHU since 1989 and is our association's official photographer.

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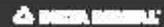
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