

# Employer Size Survey

Group #: \_\_\_\_\_

See the attached *Medicare Secondary Payer (“MSP”) Definitions* pages for more information on terms shown in italics.

Employer Name \_\_\_\_\_

Employer Address \_\_\_\_\_

Employer TIN \_\_\_\_\_

## Part A – Employer Information

**NOTE: When answering numbers 1 and 2 below, include ALL employees within any CONTROLLED GROUP OF CORPORATIONS<sup>1</sup> to which you belong.**

1. The Employee Retirement Income Security Act of 1974 (ERISA) is a federal law which regulates employee welfare benefit plans. **Is your health plan subject to ERISA?** Most private-sector employers are subject to ERISA. This includes, but not limited to corporations, partnerships (either limited or unlimited liability) and sole proprietorships. Governmental plans (public utilities, public schools, etc.) and church plans (churches, schools affiliated with churches, etc.) are **not** subject to ERISA.

yes       no

2. Did you have 20 or more *employees* for 20 or more calendar weeks (this includes full-time, *part-time*, intermittent, *leased* and/or seasonal *employees excluding self-employed individuals*) during the previous or current calendar year?

yes       no

If yes, please provide the date that this threshold was reached \_\_\_\_/\_\_\_\_/\_\_\_\_

3. Did you have 100 or more *employees* during 50 percent of your business days (full-time, *part-time*, intermittent, *leased* and/or seasonal *employees excluding self-employed individuals*) during the previous calendar year?

yes       no

4. Will any employees of another employer be covered under your BCBSKC health plan?

yes       no

If yes, is there common ownership between your company and the other employer?

yes       no

## Part B- Employee Information

Please provide the names of individuals who will be enrolling in BCBSKC health plan who are: 1) 65 years of age or older and actively working for the employer, 2) retired; or 3) not actively working due to disability. Please check the appropriate box to indicate the current status of the employee and provide the date the employee retired or the date the employee no longer actively worked for the employer due to disability.

| Name (Last, First) | Actively working for the employer at least 30 hours per week | Retired from the employer |                 | Not actively working for the employer due to disability |                 |
|--------------------|--|---------------------------|-----------------|---|-----------------|
|                    | ( ✓ )  | ( ✓ )                     | Retirement Date | ( ✓ )   | Disability Date |
|                    |  |                           |                 |   |                 |
|                    |  |                           |                 |   |                 |
|                    |  |                           |                 |   |                 |
|                    |  |                           |                 |   |                 |

<sup>1</sup> Section 52 (Controlled Group Corporations) of the Internal Revenue Codes (“IRC”) should be reviewed to determine whether employees of related companies should be included in your employee count. Generally, two or more individuals or corporations are considered to be separate employers under Section 52 of the IRC if they file separate income tax returns. Two or more individuals or corporations are considered to be a single employer if they file a consolidated tax return. Thus, employees of both should be included in the employee count.

**Part C – Certification**

On behalf of the employer referenced above, I certify that the information provided above is accurate and truthful. I understand that this information will be used to help identify the MSP status of Medicare enrolled *employees*. The ability to make primary and secondary determinations involving such individuals and thus to assist in the processing of MSP claims properly in the first instance depends on the breadth and accuracy of the information provided by the employer to Blue Cross and Blue Shield of Kansas City (“BCBSKC”) concerning individuals covered by BCBSKC’s group health insurance plans. To ensure continuing accuracy, the employer referenced above acknowledges its responsibility to notify BCBSKC promptly of any changes in the size of its work force or the status of *employees* or their dependents that might affect the order of payment under the MSP rules.

\_\_\_\_\_  
Name (please print)

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**Medicare Secondary Payer Definitions  
Definitions of Terms Used in the Employer Size Survey**

The definitions listed below are intended to help you better understand the questions asked in the Employer Size Survey form. The definitions below are not intended to serve as legal advice and any additional questions should be directed to your legal counsel. Please see the CMS Medicare Secondary Payer Manual available at [http://www/CMS.gov/manuals/105\\_msp/msp105index.asp](http://www/CMS.gov/manuals/105_msp/msp105index.asp).

**Employee**

For purposes of the MSP rules, an employee is an individual who works for an employer, whether on a full-time or part-time basis, and receives payment for his/her work. In general, your employees are individuals for whom a W-2 form was filed under your Employer Identification Number. In addition, employees may be paid under lease agreements. Employers must include controlled group corporations when counting the number of employees for MSP purposes.

**Group Health Plan**

Any plan of, or contributed to by, an employer (including a self-insured plan) to provide health care (directly or otherwise) to the employer’s employees, former employees, or the families of such employees or former employees.

**Leased Employee**

Any person who is an employee of a personnel leasing organization who has provided services on a leased basis to another entity pursuant to a contract with the leasing organization on a substantially full-time basis for a period of at least one year. The services provided by a leased employee must be performed under the primary direction or control of the entity which leases the services from the leasing organization.

**Part-Time Employee**

Part-time employment for a particular employee is less than whatever hours the employer considers as full-time employment.

**Self Employed Person**

An individual is considered to be self-employed during a particular tax year only if, during the preceding tax year, the individual’s self-employment income, as determined by the IRS, from work related to the employer that offers the group health coverage was at least equal to the amount specified in §211(b)(2) of the Act, which defines self-employment income for Social Security purposes. Self-employed individuals include persons such as consultants, owners of businesses, directors of corporations, and members of the clergy and religious orders who are paid for their services by a religious body or other entity.

## Reduce Taxes With a Premium Only Plan

Call Total Administrative Services Corporation (TASC), a third-party administrator with expertise in Section 125 administration, to assist you in establishing a POP and complying with the requirements governing these plans.

POPs reduce payroll taxes on the premium contributions of participating employees. Money is saved by converting premiums from an after-tax expense to a pre-tax expense. Employers do not have to pay Social Security and Medicare (FICA) taxes or federal unemployment (FUTA) taxes on income when employees elect to pay their premiums on a pre-tax basis through a POP. In addition, employees do not have to pay federal income taxes on these amounts.

POPs can be set up for an annual fee for any single employer or certain “related employers,” including members of a controlled group of corporations, members of a group or commonly controlled trades or business or members of an affiliated service group. Certain individuals are prohibited from participating in POPs such as sole proprietors and partners within a partnership, but their employees can participate.

**Interested? Contact Total Administrative Services Corporation (TASC) at 1-800-422-4661 (press 7) to receive a brochure and application, or visit them online at [www.tasconline.com](http://www.tasconline.com).**

Total Administrative Services Corporation is an independent company that does not provide BCBSKC products or services. Total Administrative Services Corporation is solely responsible for the POP services described above.