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## Medicare Set-Aside – Certified (MSA-C) Guidelines

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### Who is FIG?

Established in 2002, incorporated in 2005, and trademarked in 2019, FIG Services, Inc. (FIG) is a family-owned corporation that specializes in assessing medical damages. FIG assists with the determination of future medical care and associated costs for an individual who has suffered an injury or illness that is involved in an insurance claim or lawsuit. Medical damages are demonstrated in the specialty practices of Life Care Planning, Medical Cost Projections, and Medicare Set-Asides.

We practice what we teach at FIG. Since 2008, FIG Education has also focused on educating and coaching others in these specialty practices. All of FIG's instructors and advisory board are practicing Life Care Planners. As we learn in the field, this knowledge is brought back into the classroom. FIG offers classes for initial certification and CEUs for renewal of certification. FIG has also created an interactive website – the Treehouse – to support the industry with resources, mentoring, and CEUs. Classes and CEUs are offered online, virtually, and onsite. In addition to education in Life Care Planning, Medical Cost Projections, and Medicare Set-Asides. FIG also provides knowledge and guidance with business development and marketing strategies, as most Life Care Planners own and operate their own businesses within the specialty industry.

In 2021, FIG created the Medicare Set-Aside – Certified (MSA-C) certification to recognize the competency, and comprehensive learning, that has been achieved and is necessary to be qualified in a courtroom. Building on 20 years of experience in the courtroom and classroom, FIG's reputation has been well established in the

industry. As such, FIG has become a cornerstone of wisdom and guidance for Medicare Set-Aside Allocators. FIG's expectation is to continue to be excellent stewards in this profession. FIG stresses the importance of being qualified over being certified; however, we understand this badge (MSA-C) adds credibility when sitting in a courtroom. A certification with FIG declares the individual's successful completion of a curriculum in a specialty practice.

The purpose of the 'MSA-C Certification Guidelines' is to shed light on the application process (including the criteria and renewal), understand the focal point of the certification and principles of behavior, and provide answers to frequently asked questions.

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# MSA-C Criteria

## Education

- Candidates must have a minimum of a bachelor's degree in the medical, healthcare, or rehabilitation field.

## Licensure / Certification

- Candidates must have a current, active, and unrestricted licensure or certification in the candidate's primary practice within the medical, healthcare, or rehabilitation field.
- Examples (*but not limited to*) -
  - Licensure
    - Registered Nurse (RN, APRN, FNP, DNP)
    - Physician (MD, DC, DO, PhD)
    - Occupational Therapist (OT)
    - Physical Therapist (PT)
    - Speech Therapist (ST)
    - Counselor (LPC, LMHC)
    - Social Worker (LCSW, LISW, LICSW)
  - Certification
    - Rehabilitation Counselor (CRC)
    - Case Manager (CCM)
    - Disability Management Specialist (CDMS)

## Employment

- Candidates must have a minimum of two years of full-time paid employment within the primary practice of medical, healthcare, or rehabilitation field.

## Medicare Set-Aside Training

- Completion of FIG's Medicare Set-Aside Certification Class, which includes submission of a redacted or case study Medicare Set-Aside to be peer-reviewed by the FIG Advisory Board with a passing score.<sup>1</sup>
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<sup>1</sup> Final approval of the application for certification will be at the discretion and decision of the FIG Advisory Board. Decisions regarding application for certification will be final and without appeal by the FIG Advisory Board.

## MSA-C Application Process

### Application Steps

- Completion of application
- Submission of Curriculum Vitae
- Verification of active, unrestricted licensure or certification in primary practice
- Certificate of Completion from FIG's Medicare Set-Aside Certification Class
- Medicare Set-Aside redacted report/FIG MSA case study peer review letter from FIG Advisory Board with a passing score
- Application fee - \$0 (included in FIG's Medicare Set-Aside Certification Class)

The application process is online via the FIG website. Required documents will be uploaded into the FIG portal on the website. Applications submitted via mail, fax, or electronically will not be accepted.

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## MSA-C Renewal

- Current, active, and unrestricted licensure/certification in primary practice and specialty practice (MSA-C)
  - Renewal period of every 5 years
  - 60 Continuing Education Units (CEUs) related to the primary practice and specialty practice (Medicare Set-Aside, Medical Cost Projection, and/or Life Care Planning)
  - Renewal fee - \$199
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## FIG Advisory Board

FIG created an Advisory Board to act as a collaborative, strategic thinking, sounding board to support FIG's education and certification endeavors in the medical damages industry. Members of the FIG Advisory Board are licensed or certified in their primary practice. They are actively practicing in the Life Care Planning, Medical Cost Projection, and/or Medicare Set-Aside fields. The FIG Advisory Board also includes members with backgrounds in business, marketing, and legal aspects which are crucial to these specialty practices.

The role of the FIG Advisory Board is not to make day-to-day decisions but rather to provide relevant knowledge, critical thinking, and skillful analysis to increase the confidence of the decision-makers who represent FIG. The board members are chosen for their expertise, connections, and passion for promoting the specialty practice of Life Care Planning, Medical Cost Projections, and Medicare Set-Asides. If disciplinary action is necessary to address any concerns, the FIG Advisory Board offers insight and impartial solutions following a thorough review and discussion of the issue.

## Meet The Board

### Shelene Giles - Life Care Planner / Medicare Set-Aside Allocator / RN

Shelene Giles is the Founder, President, and CEO of FIG. Shelene has extensive knowledge and experience within the medical and vocational case management fields. She has been employed in these areas for over twenty years. Shelene holds college degrees in Nursing, Rehabilitation Counseling, Psychology, and Business Administration. She is a licensed Registered Nurse, and her certifications include Certified Nurse Life Care Planner, Certified Rehabilitation Counselor, Legal Nurse Consultant Certified, Life Care Planning – Certified, Medical Cost Projection – Certified, and Medicare Set-Aside – Certified. Between 2007 – 2009, Shelene was elected by her peers and served on the American Association of Nurse Life Care Planners (AANLCP®) Executive Board as President-Elect, President, and Past President. She continues to actively participate in associations with an interest in

the fields of Nurse Life Care Planning, Life Care Planning, Medicare Set-Asides, and Case Management. Shelene is an internationally recognized speaker, teacher, mentor, and coach, and has peer-reviewed publications in her practicing fields. For over a decade, her interest has been in providing Life Care Plans for major burn survivors. She is the only Nurse Life Care Planner in the nation with a specialty in major burn cases. She has completed hundreds of Life Care Plans for burn survivors. In 2019, Shelene was elected by her peers to receive the American Association of Nurse Life Care Planners (AANLCP) Ambassador Award. In 2021, Shelene was also elected by her peers to receive the International Academy of Life Care Planners (IALCP) Life Care Planning Educator of the Year Award.

### **Dr. Tom Garzillo - Life Care Planner / Chiropractor**

Dr. Thomas Garzillo's road to Life Care Planning began with 25 years as a practicing Chiropractor as well as a Board Member of Texas, New Mexico, and Oklahoma regions of the national Arthritis Foundation. A Life Care Planner since 2013, by 2021 he had testified on the long-term cost of non-catastrophic spinal injuries more than 100 times for trials in County, District, and Federal Court. His understanding of the unique and valuable role medical cost projections for non-catastrophic injuries may serve in all stages of the litigation process has created and will continue to create opportunities for Life Care Planners throughout the United States, as well as attracting new Life Care Planners to the profession.

### **Dr. Sharon Grouper - Life Care Planner / Physician**

Dr. Sharon Grouper is an experienced board-certified Anesthesiologist in Illinois. He is a former graduate of the combined 7-year BA/MD program at Northwestern University. He holds a Bachelor of Arts degree in Economics and a Doctor of Medicine from the Feinberg School of Medicine. As a Life Care Planner, he assists defense and plaintiff attorneys with damages in cases traversing the gamut with respect to the etiology of the injury at hand as well as the age of the patient involved.

## **Daniel Turner - Life Care Planner / Certified Rehabilitation Counselor**

Daniel Turner is a Vocational Rehabilitation and Life Care Planning Consultant at Ascendant Consulting, Inc. in Tupelo, Mississippi where he has worked since 2011. Daniel is a Certified Rehabilitation Counselor, Certified Life Care Planner, and is actively pursuing certification as a Vocational Evaluator (CVE). Daniel performs Vocational Rehabilitation Assessments for personal injury, workers' compensation, employment law, and divorce claims. He also provides vocational counseling, job placement, and vocational evaluation services for injured workers. Additionally, Daniel is an active Life Care Planner.

## **Amy Stone - Life Care Planner / OT**

Amy Stone has two decades of clinical and managerial occupational therapy experience evaluating patients and creating treatment plans for individuals with traumatic brain injuries, spinal cord injuries, cerebrovascular incidents, neurological disorders, orthopedic injuries, amputations, and general deconditioning. She has worked in all environments along the continuum of care including acute care hospitals, inpatient/outpatient rehabilitation centers, as well as short and long-term care facilities. Amy earned a Bachelor of Science degree from the University of South Carolina and a Master of Science in Occupational Therapy Rehabilitation from the Medical University of South Carolina (MUSC). She learned about LCP with FIG Education in Asheville, NC. Amy wanted to take her clinical experience in assessment outside of the hospital walls. She found the career option of Life Care Planning to be a natural next step for helping others gain their best life and independence in activities of daily living. In April of 2020, she became certified as a Life Care Planner and opened up her own business, STONE Life Care Planning. She is a member of the International Association of Rehabilitation Professionals (IARP), and the American Association of Nurse Life Care Planners (AANLCP).



## Mel Wages - Business Services Consultant / National Recruiter / Police Officer

Mel Wages is a highly motivated respected business professional with a long list of accomplishments. His work accomplishments started with his journey as a Georgia State Police Officer in the 1980s serving the citizens of Georgia for 5 years. His next successful venture was working for the Georgia Department of Labor, GDOL for over 23 years. Mel became best known for his achievements in helping others and changing lives through collaboration with vocational rehabilitation specialists and staff in the field offices. His mission was to help people find work. Mel created his own position under the guidance of Rosa Hayes, Deputy to the Commissioner of the GDOL. He became known nationwide as the number one leader in career development and workforce solutions by creating Job Fairs in Georgia starting 20 years ago. His former colleagues called him the “Job Fair King.” He coordinated the Nation’s Largest Job Fair/Career Expo after Hurricane Katrina devastated New Orleans. There were more than 25,000 job seekers and 500 employers who participated in the Katrina Event. During his 23 years at the Georgia Department of Labor, he was elected to the Board of Directors for the International Association of Workforce Professionals, IAWP by the association’s 1500 members. Additionally, he has served on the Georgia Hospital Association Board. The bonus is Mel has attended and marketed at numerous Life Care Planning conferences. He understands the industry and his skill set can be used as an asset in viewing issues from a business perspective.

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## MSA-C Principles

Principles are the ideals and practices that form a working belief system. Within Medicare Set-Asides, our principles guide our work product and are an essential part of being a qualified and respected Expert Witness. The MSA-C principles guide us through what is right and wrong during practice. The following have been identified as MSA-C principles to guide Medicare Set-Aside Allocators, but are not limited to:

- Abide by the laws and statutes of your primary practice – do not operate outside of your primary scope of practice.
  - Maintain active and unrestricted license and/or certification in your primary practice.
  - Represent the MSA-C credential in a positive manner and do not damage the integrity of the MSA-C credential.
  - Do not engage in acts of omission to be dishonest, deceitful, or fraudulent in your MSA-C role.
  - Do not misrepresent the MSA-C credential.
  - Do not misrepresent your role as a Medicare Set-Aside Allocator to the referral source or client in which the service is being rendered.
  - Do not establish a dual role or relationship with the referral source or client.
  - Provide unbiased, objective, and neutral opinions regardless of the referral source or client's expectations.
  - Primary obligation and responsibility are to the client in which the service is being rendered.
  - Maintain integrity among colleagues, referral sources, and clientele.
  - Do not operate on contingency fees or commission.
  - Maintain confidentiality and integrity of the referral source and clientele during presentations and publications.
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## MSA-C Methodology

FIG has established a peer-reviewed, published methodology for the MSA-C credential. This methodology is based on 20+ years of experience in the Medical Damages industry. FIG is the only educational provider and certification which recognizes all backgrounds in the Medicare Set-Aside industry. FIG's MSA-C Methodology is taught in the educational classes under certification, as well as in the continuing education classes.

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## FAQs

### *Do I need to be certified to work as a Medicare Set-Aside Allocator?*

Certification is not mandatory to work as a Medicare Set-Aside Allocator. If you prefer to work behind the scenes, certification can be used as a marketing edge to obtain assignments. If you prefer to work as an expert witness, certification is highly encouraged as it adds credibility in the courtroom. The most important fact is that you are qualified as a Medicare Set-Aside Allocator. FIG Education affords you this benefit – to be qualified.

### *What are the benefits of being certified with FIG?*

FIG's certification is evidence that you have mastered a complex body of specialized knowledge in the specialty practice of Medicare Set-Asides. More importantly, FIG's credentials will give you a competitive edge over others with your demonstration of competency and comprehensive learning. FIG's certification allows national recognition of a highly trained Medicare Set-Aside Allocator, which enhances your credibility with referral sources and in the courtroom. Furthermore, FIG's credentials promote excellence and standardization of an authoritative methodology in the specialty practice of Medicare Set-Asides.

### *How is FIG's certification different from other programs – why choose MSA-C?*

FIG practices what it teaches and brings our years of experience into the classroom. FIG's Instructors and Advisory Board help carve out the knowledge needed to excel in the Medicare Set-Aside field, both nationally and internationally. FIG's MSA-C certification focuses on creating a competent and qualified Medicare Set-Aside Allocator that will withstand any challenges as an expert witness.

FIG's MSA-C certification is the only certification that recognizes the fusion of all perspectives in Medicare Set-Asides. This combination of knowledge and experience in your primary practice, education, and training in the specialty practice of Medicare Set-Asides, and the MSA-C certification offers a competitive edge when marketing your services and brings credibility to the table when sitting in a courtroom. The MSA-C credential leans on FIG's authoritative reputation of 20+ years in the Medicare Set-Aside industry. FIG has numerous testimonies from all backgrounds in Medicare Set-Asides to prove their worth – check out the website ([FIGeducation.com](http://FIGeducation.com)) and social media sites.

### *What is the difference between being qualified and being certified?*

The Merriam-Webster definition of 'qualification' is fit by training, skill, or the ability for a special purpose. Synonyms for qualification include accomplished, certified, competent, disciplined, efficient, equipped, experienced, knowledgeable, licensed, proficient, and trained. The definition of 'certification' is to attest authoritatively, to attest as being true or as represented, or as meeting a standard. Certification also usually applies to a written statement, especially one carrying a signature. Synonyms for certification include approval, designation, choice, election, nomination, or selection. FIG's primary focus is on training the individual to be qualified in the specialty practice of Medicare Set-Asides. The MSA-C certification does not supersede the qualification of the individual following the successful completion of a Medicare Set-Aside Certification Class. The MSA-C credential declares the individual's successful completion of competency learning and comprehensive knowledge taught by FIG.

In 2014, the FDA News (fdanews.com) discussed the definitions of qualification vs. certification. "...We might say the words are almost identical in meaning, at least according to the dictionary. The only difference is that some type of written document may be associated with certification. So if the definitions are similar, why the concern? One problem lies in the connotations associated with the terms, especially with regard to the perceived status conferred by the word "certification"... Unclear about the difference between qualification and certification? If so, you aren't alone..." Here are some comments on FDAnews.com:

"Qualification is done for a specific task; certification is done for a series of tasks."

"Qualification equals field training; certification equals classroom training."

"Qualification is an ongoing process; certification happens once."

### ***Is FIG's certification accredited?***

No, FIG's certification is not accredited. The certifications with alternate groups are also not accredited. FIG's focus is on making sure the professional is adequately educated and trained to be considered a qualified expert witness. FIG's certification is an acknowledgment of your skills learned under FIG.

### ***Is receiving my education and certification under one roof considered a conflict of interest?***

No, FIG believes the combination of education and certification benefits the individual. Offering education and certification under one roof eliminates the confusion of the essential members, saves time during the transition between education and certification, and optimizes your financial investment.

### ***Will FIG release information about my certification status?***

FIG will release your certification status to a third party if you give permission in writing. NOTE – Test results and homework will not be released to a third party – only the certification status.

### *Can my certification be revoked?*

Revocation of your certification is determined by the FIG Advisory Board, and the decision is final. Certification may be revoked for any of the following reasons, but not limited to:

- Breach of 'MSA-C Principles' listed above.
  - Falsification of the certification or renewal application.
  - Falsification of any information requested by FIG.
  - Failure to maintain eligibility requirements.
  - Failure to maintain an active license or certification in your primary practice.
  - Failure to pay fees, default on or maintain current account payment status.
  - Failure to participate in an investigation by the FIG Advisory Board if an accusation/grievance has been submitted.
  - Misrepresentation of FIG's certification status.
  - Violation of FIG's trademark policy.
  - Violation of FIG's copyrights.
  - Findings of unethical conduct including violation of state or federal laws, or unfair and unethical practices.
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