



## Greater Tompkins County Municipal Health Insurance Consortium

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[www.healthconsortium.net](http://www.healthconsortium.net) • [consortium@tompkins-co.org](mailto:consortium@tompkins-co.org)

*"Individually and collectively we invest in realizing high quality, affordable, dependable health insurance."*

### **Nominations & Engagement Committee Meeting Agenda April 10, 2023 – 3:30 PM – Remote via Zoom**

1. Call to Order Ed Fairbrother
  
2. Changes to the Agenda
  
3. Minutes Approval – August 8, 2022
  
4. Executive Director Elin Dowd
  - a) Executive Director Report
  
5. Discussion on the following topics:
  - a) Educational Events to Engage Members
  - b) OML
  
6. Future agenda topics
  
7. Adjourn

Next Meeting: June 12, 2023

**Minutes – DRAFT**  
**Nominations and Engagement Committee**  
**August 8, 2022 – 3:30 p.m.**  
**Ithaca Town Hall and Remote Satellites via Zoom**  
**Satellite Locations posted at [healthconsortium.net](https://healthconsortium.net)**

Present by remote: Gary Mutchler (Committee Vice Chair); Terrance Baxter  
Excused: Ed Fairbrother (Committee Chair), Jim Bower  
Vacancy: One seat  
Staff/Guests: Elin Dowd, Executive Director; Lynne Sheldon, Clerk of the Board,  
Judy Drake, Chair of the Board, Teri Apalovich, Finance Manager; Kylie  
Rodrigues, Benefits Specialist

**Call to Order**

Mr. Mutchler, called the meeting to order at 3:41 p.m.

**Changes to the Agenda**

There were no changes to the agenda.

**Approval of Minutes of June 13, 2022**

At this time Ms. Drake appointed herself as a Temporary Member of the Committee for quorum purposes.

It was MOVED by Mr. Baxter, seconded by Mr. Mutchler, and unanimously adopted by voice vote by members present to approve the minutes of June 13, 2022, as submitted. MINUTES APPROVED.

**Executive Director Report**

Ms. Dowd referred to her Executive Director Report. She added new members applications are being received for 2023. The Jurat for the second quarter is in completion status.

**a) Resolution: Election of 2023 Consortium Officers:**

Ms. Dowd reported the slate of officers are solid, Mr. Hart, who has been acting as Vice Chair, has agreed to serve as Chair. Ms. Holmes has stepped up to serve as the Vice Chair. Peter Salton will remain as the Consortium's Secretary, and Steve Thayer, according to the Municipal Cooperative Agreement (MCA), will still be the Consortium's Chief Financial Officer. She noted Rick Snyder, of whom is retiring, is the Consortium's Treasurer, which is an appointed, but not an officer position. Since hiring a Finance Manager, the Consortium is requesting the treasurer position be eliminated within the MCA and have the Chief Fiscal Officer delegate to the Consortium's Finance Manager.

**RESOLUTION NO. –2022 – ELECTION OF 2023 CONSORTIUM OFFICERS**

MOVED by Ms. Drake, seconded by Mr. Baxter, and unanimously adopted by voice vote by members present and via remote members, to approve the following resolution and submit to the Board of Directors for approval.

RESOLVED, on recommendation of the Nominations and Engagement Committee, That the Board of Directors elects the following individuals to serve from January 1, 2023 through December 31, 2023 in the roles as follows:

Chairperson - Rordan Hart  
Vice Chairperson – Lisa Holmes  
Chief Financial Officer - Steve Thayer  
Secretary – Peter Salton

\*\*\*\*\*

#### **b) Resolution: Appointment of Committee Membership**

Ms. Dowd shared the document below and referred to the yellow highlighted vacant areas, per committee, which led to discussions of recommendation to fill seats.

Due to these positions still have seats to be filled, or changed, the committee decided to move the resolution with amendments to be approved via email. It was MOVED by Mr. Baxter, seconded by Mr. Mutchler, and unanimously adopted by voice vote by members present to move this resolution of Creation of 2023 Committee Structure and Appointments of Member to be approved via email.

#### **RESOLUTION NO.-2022 – CREATION OF 2023 COMMITTEE STRUCTURE AND APPOINTMENTS OF MEMBERS**

WHEREAS, the Board of Directors at its Annual Meeting established a Committee structure and appointed members to the Consortium's standing committees, and

RESOLVED, upon recommendation of the Consortium's Nominations and Engagement Committee, That the Executive Committee, on behalf of the Board of Directors, hereby appointments the following committee structure and membership to 2023 committees effective January 1, 2023:

#### **Executive Committee**

To be elected at annual meeting along with Chairs of standing committees

MEMBERSHIP: Seats to be filled by Directors; 11-15 Members; one-year terms

MEETINGS (subject to change): Bimonthly beginning in January on 1<sup>st</sup>

Wednesday

1. Board Chair, Chair (Hart)
2. Board Vice Chair, Vice Chair (Holmes)
3. Chief Fiscal Officer (Thayer)
4. Secretary (Salton)
5. JCPSD Chair (Vacant)
6. AFC Chair/At-large (Ray Bunce)
7. Operations Chair (Holmes)
8. Nominations and Engagement Chair (Fairbrother)
9. Claims and Appeals Chair (Shattuck)
10. At-large (Snow)
11. At-large (Mutchler)
12. Past Chair (Drake)

## **STANDING COMMITTEES:**

### **Audit and Finance Committee**

Ms. Dowd announced there is a new labor person, Kate DeVoe, from Tompkins County Library. Mayor Steve Scott, City of Cortland, expressed that he would like to be more involved at the finance level, and has been appointed as one of the members.

**CHARGE:** The Audit and Finance Committee shall be responsible for all financial aspects of the Consortium, including review of: annual budgets, periodic review of financial results, evaluation of transactions that are material to the organization's business, review of business and risk insurance policies and actuarial studies to determine premium levels, review and approval of investments and investment plans, enterprise risk management and compliance assessment and review, and oversight of all internal and external financial audits.

**MEMBERSHIP:** Seats may be filled by non-Directors; 9 members; two-year staggered terms

**MEETINGS** (subject to change): Monthly; 4<sup>th</sup> Tuesday

#### Terms expire 12/31/23

1. Steve Thayer, Chair (CFO, no set term)
2. Kate DeVoe, Labor
3. Rordan Hart, Vice Chair
4. Amanda Anderson
5. Lorie Corsette

#### Terms expire 12/31/24

6. Scott Steve
7. Eric Snow
8. Bud Shattuck
9. Peter Salton

### **Operations Committee**

Ms. Dowd explained that the Consortium is still working on who will chair Operations Committee. Seats may need to be moved around. If Lorie Corsette does not prefer to Chair, then the Consortium will need to find someone who is a director. Ms. Drake expressed that in the past, the Consortium has had the Labor person be the Vice-Chair, but since we don't have a Labor person right now, this appointment becomes tricky to fill.

**CHARGE:** The Operations Committee is responsible for oversight of Consortium operations and charged with review and oversight of any policies impacting the overall well-being of the organization. The Operations Committee may recommend changes to improve the efficiency of the organization's practices, policies, procedures, and the organizational structure, including personnel and staffing needs.

**Membership:** Seats may be filled by non-Directors; 8 members with two-year staggered terms **MEETINGS** (subject to change): Bi-monthly beginning in January; 4<sup>th</sup> Monday

Terms Expiring 12/31/24

Lisa Holmes, Chair  
Laura Granger  
Schelley Michell-Nunn  
Janine Bond (add'l seat)  
Judy Drake, Vice Chair  
Rita McCarthy

Terms Expiring 12/31/23

Ed Fairbrother  
Labor  
Sunday Earle

Terms Expiring 12/31/23

LuAnn King  
Mark Emerson

**Nominations and Engagement Committee**

Ms. Dowd reported that the Consortium traditionally placed the Chairman of the Joint Committee as the Labor individual, and the Vice Chair of the Joint Committee represents management.

CHARGE: The Nominations and Engagement Committee will assist the Executive Committee in engaging Directors in finding meaningful ways to contribute to the organization especially through the consideration of succession and long-term planning. The Committee shall:

1. Be responsible for presenting a slate of recommended Officers, Committee Chairs, and At- Large Executive Committee members at the annual Board of Directors meeting;
2. Be responsible for presenting a slate of recommended Nomination and Engagement Committee members;
3. Recommend to the Executive Director engagement strategies with:
  - a. the work of committees;
  - b. disseminating information ahead of and at the annual meeting in an interactive model and insuring a super-majority attendance at annual meeting; and
  - c. long-term leadership succession planning.

Membership: Seats may be filled by non-Directors; 5 Members with two-year staggered terms MEETINGS: Approximately 4x/year.

Terms expire 12/31/23

1. Ed Fairbrother, Chair
2. VACANT
3. VACANT, Labor

Terms expire 12/31/24

4. Gary Mutchler, Vice Chair
5. Terrance Baxter

**Claims and Appeals Committee**

Ms. Dowd stated that there is not a Labor person on Claims and Appeals although she would like to have a Labor person on. If the Consortium does add another individual, then another seat would need to be added so there would be a final odd number

CHARGE: The Claims and Appeals Committee will hear all appeals that come to the Board of Directors for action and recommend a determination to the Board. This Committee will also monitor claims data and trends and oversee all annual third-party administrator claim audits.

Membership: Seats may be filled by non-Directors; 5 Members with two-year terms MEETINGS: As needed (2-4x/year)

Terms expire 12/31/23

1. Bud Shattuck, Chair
2. Donna Dawson
3. Tom Brown

Terms expire 12/31/24

4. Don Fischer, Vice Chair
5. Tanya DiGennaro

### **Joint Committee on Plan Structure and Design**

Mr. Mutchler asked questions regarding Labor representatives elected by the Joint Committee. Ms. Dowd responded that there are 9 directors. These individuals represent labor, but not necessarily represent the entity, they represent all the labor on the Joint Committee.

CHARGE: The JCPSD reviews all prospective Board actions in connection with the benefit structure and design of the Plan and develops findings and recommendations with respect to such matters. Committee may also consider wellness-related initiatives

Membership: Each Participant and each labor group shall have one voting seat each. Quorum determined by Committee; No set terms.

MEETINGS (subject to change): Bi-monthly (beginning in February)

Chair and Vice Chair – to be selected by the membership of the JCPSD as outlined in the Committee’s Bylaws.

\* \* \* \* \*

### **Discussion – August Board Meeting Agenda**

Ms. Dowd announced the meeting will be held at the Tompkins County Library and a poll has gone out to see who will be attending in person.

Ms. Dowd discussed one of the long-term business planning goals is to research and focus on risk pertaining to the Consortium. The CFO from Excellus has agreed to speak at the August Board meeting regarding topics such as: “Why a large pool is important and how that helps you in the long run with slow and steady growth”, “How to reserve properly”.

Ms. Dowd covered other topics to be discussed will include Medicare Advantage Plan proposal, MCA changes, 2023 Budget, changes to the Silver and Bronze plans, and premium rates for 2023. There are also currently 4 new members to add to the agenda.

Ms. Dowd included that Ms. Rodrigues will be presenting at the August meeting on the difference between the Consortium’s Medicare Supplement Plan and Medicare Advantage. She

Nominations and Engagement Committee  
August 8, 2022

will also be discussing the advantages and disadvantages to the Consortium, as well as the retirees of selecting Medicare Advantage.

Mr. Mutcher and Mr. Baxter added the importance of the municipalities having an involved director as their representative and the importance of having quorum for all Consortium meetings. Ms. Dowd indicated when new members join the Consortium, it is explained to them that they are now owners, they hold a role in the Consortium and need to be active in the decision-making process.

### **Next Agenda Items**

No next agenda items were discussed.

### **Adjournment**

The meeting adjourned at 4:25p.m.

*Respectfully submitted by Lynne M. Sheldon, Clerk of the Board.*

## Executive Director Report March 2023

As we get close to ending the first quarter of 2023, we are in the midst of finalizing several year-end reports including our annual audit and the NYS JURAT. We have just commenced our medical claims audit for 2020/2021 and are also looking at pharmacy benefit manager options for third party benefit administration of our Rx claims. Our five-year NYS Department of Financial Services audit continues, but it appears we are getting closer to the end of the data collection phase.

Congratulations to Kylie Rodrigues on becoming a “permanent” employee as we just received notice that she passed her civil service examination as a reachable candidate. We have also received word that Greg Potter with Tompkins County IT Department has resigned, and Loren Cottrell is now our IT contact. We have also been informed that Steve Thayer will retire at the end of June. Steve has been our CFO since inception, and is leaving the City of Ithaca after a 25-year career. Teri Apalovich and I have been asked to serve on the search committee. We are also continuing our search to find new offices to meet our staffing and committee meeting needs. We have entered a LOI with a location in Cayuga Heights and I hope to have more information that I can share regarding that location soon.

My report this month includes several attachments as I thought that was the best way to keep you informed about several updates regarding the administration of the Consortium benefit plans. The attachments are as follows:

Ground Ambulance Services – NYS set a new reimbursement schedule for how we are allowed to reimburse providers for ground ambulance services.

COVID 19 Plan Changes related to the End of the Public Health Emergency (PHE) – At the beginning of COVID we changed coverage for most COVID 19 treatment and testing to 100% coverage. When the PHE ends in May, our plans will return to paying COVID according to how we pay for other similar services.

Benefit Correction Regarding Behavioral Health – Excellus sent a copy of the letter attached to anyone having out of network behavioral health services performed by non-MDs that their benefit reimbursements would be paid according to plan and not how Excellus had been incorrectly paying them. These letters have gone out and our Benefit Specialist and Excellus have been fielding questions regarding this correction. The Consortium is also making some other benefit corrections due to the Inflation Reduction Act, and we will work with our administrators to communicate those changes appropriately.

Frozen Formularies – NYS mandated a change that a formulary can have no negative changes to a subscriber mid-year. The attached letter prepared by Locey & Cahill outlines how this new law will change our benefit plan going forward.

Wilmington Trust – Due to the recent banking crisis, Wilmington Trust felt it was important to communicate to customers their confidence in the strength of their organization and investments. As you know, our funds are 100% government-backed treasuries, so we are in a secure financial state.

Please let me know if you have any additional questions once you have read all the information attached. Please know there are still options in late March and early April to participate in our Blue4U Clinics and monthly Wellness Challenges.

Our presence on Facebook is growing, to see what is happening in wellness each month, please visit our Facebook site. [Link to FB page](#)

Our quarterly newsletter, Consortium Connection, is now paperless, please sign up on our website to continue to receive the newsletter electronically or follow this link to read December’s newsletter:  
<http://www.healthconsortium.net/newsletter>

*Respectfully submitted by Elin R. Dowd, Executive Director, March 25, 2023.*



## Ground Ambulance Services – NYS Fair Health Cap Mandate

The NYS Department of Financial Services has implemented an 80th Percentile of Fair Health cap reimbursement for out-of-network ground ambulance services. Under this reimbursement, members cannot be balance billed for services rendered within NYS. Greater Tompkins County Municipal Health Insurance Consortium (GTCMHIC) is currently set up with the allowable expense for out-of-network ground ambulance at 100% of charges to eliminate any balance bill to members.

With the new mandate GTCMHIC will be setting the cap reimbursement at the allowed 80th Percentile of Fair Health for out-of-network ground ambulance services. Meaning, so long as that level of reimbursement is paid, there cannot be any balance bill to members under the law. Adopting this new methodology for services rendered within NYS, will lead to a savings for the plan. GTCMHIC paid 178 claims of this type at 100% of charge in 2022, paying those same claims under this methodology would have resulted in \$7,978 in savings to the plan.

However, this is just a NYS law. Ground ambulance services rendered outside of NYS would still be subject to balance billing. Therefore, we have elected to keep the reimbursement at 100% of charges for services outside of NYS to eliminate the risk of balance billing to members.

Please note, there is no change to a subscriber or their dependents for the cost of ambulance services in and out-of-network.

## National Emergency and Public Health Emergency Related to COVID-19 Terminates May 11, 2023

On January 30, 2023, the Biden Administration issued a Statement of Administration Policy (SAP) announcing that both the National Emergency (NE) and Public Health Emergency (PHE) related to COVID-19 will terminate on May 11, 2023. The SAP states that the extended wind-down aligns with the Administration's previous commitments to give at least 60 days' notice prior to termination of the PHE.

### Benefits Requirements Ending May 11, 2023

- 1. COVID-19 Testing:** Plans must cover COVID-19 tests and other services resulting in the order for the test without cost-sharing, both in and out of network, without prior authorization or medical management.
- 2. Over-the-Counter COVID-19 Testing:** Plans must cover OTC COVID-19 tests without cost-sharing, both in and out of network. Plans may limit reimbursement to eight (8) tests per month if they meet certain safe harbor requirements. Plans may also limit out-of-network OTC reimbursement to \$12 under certain circumstances.
- 3. Vaccines:** Non-grandfathered plans must cover qualifying COVID-19 preventive services and vaccines without cost-sharing both in and out of network. (After the PHE expires, non-grandfathered plans must cover these vaccines without cost-sharing but may limit coverage to network providers.)

Excellus will be advising us if any medical claims coverage changes will be necessary at this time as most benefits regarding care have already returned to pre-pandemic coverage. Both physical and behavioral health visits related to COVID – 19 will be paid with applicable co-pays and co-insurance as comparable to other primary care or specialist visits. In addition, Excellus will work with Locey & Cahill to provide advice to the Consortium on any other administration issues related to the PHE ending in May. Updates to Benefit Clerks and other communications will include any applicable notices required regarding plan changes.

In preparation for the end of the PHE, ProAct has been closely monitoring industry expectations. ProAct has advised us of the following:

- COVID-19 vaccines will move to coverage per ACA guidelines for preventative care.
- Coverage of antivirals used to treat COVID-19 (e.g. Paxlovid®, Lagevrio®) will be determined by plan design relating to formulary placement.
- The current coverage mandated for COVID-19 test kits will be removed from our plan on May 11, 2023

## Other Administrative Requirements Ending May 11, 2023

Plan sponsors were generally required to disregard the “Outbreak Period” when determining certain deadlines. The applicable deadlines included timing for administrative items such as special enrollments, COBRA continuation coverage, premium payments and other claims filing protocols. These administrative protocols will also end once the PHE concludes and all administrative protocols should be complete by July 10, 2023.

12345  
TESTING  
1234 MAIN STREET  
ANYTOWN, NY 12345

Dear <Member Name>:

We have important information to share about your behavioral health coverage. Excellus BlueCross BlueShield is writing to notify you of reimbursement changes effective January 1, 2023. We may not be able to reimburse you for the same amount we have in the past. This change affects visits to the out-of-network provider types listed below.

While we are not able to list the specific names of the affected out-of-network providers, you may have seen at least one affected provider this year. If you visit one of these providers in 2023, **you may have to pay more out of pocket:**

- Physician Assistant and Nurse Practitioner
- Dietician
- Nurse Midwife
- Licensed Clinical Social Worker (LCSW)
- Licensed Creative Art Therapist (LCAT)
- Licensed Master Social Worker (LMSW)
- Licensed Marriage and Family Therapist (LMFT)
- Licensed Mental Health Counselor (LMHC)

We want to help you maximize your care and minimize your costs. We are here to help. Excellus BCBS contracts with a full range of in-network behavioral health providers. Let us help you find an in-network provider.

You can use our **find a doctor** tool at [ExcellusBCBS.com/FindADoctor](https://ExcellusBCBS.com/FindADoctor).

We also have an entire team ready to help. The team will also be able to tell you which provider you saw whose reimbursement amount has changed. To reach Customer Care, call 1-800-499-1275.

Sincerely,



Alexander Levi  
Vice President, Customer Care  
EXC\_CNMD

**MEMORANDUM**

**DATE: MARCH 17, 2023**

**TO: PROACT, INC.  
GTCMHIC CLIENT SERVICES TEAM  
MORGAN RANDAZZO, DAVE MASTRANGELO, AND RON ROMANO**

**FROM: LOCEY & CAHILL, LLC**

**SUBJECT: THE NEW YORK STATE “FROZEN FORMULARY” MANDATE**

This memorandum provides our understanding of the New York State “Frozen Formulary” Mandate and how its terms and conditions should be applied to the Greater Tompkins County Municipal Health Insurance Consortium (“Consortium”) Plans.

As you are aware, the Consortium is a self-insured municipal cooperative health benefit plan which received a certificate of authority from the New York State Department of Financial Services (“NYS-DFS”) on October 1, 2010. As such, the NYS-DFS requires the Consortium to follow the same laws, rules, and regulations as an Article 43 “Not-For-Profit” Insurance Company as it relates to the benefits offered by the Consortium in its various hospital, medical, surgical, and pharmacy benefit plans.

It is our understanding that the requirements noted above include the Consortium’s compliance with the recently passed “Frozen Formulary” Mandate. As such, Locey & Cahill, LLC on behalf of the Consortium is hereby advising ProAct, Inc. of the following:

1. The prescription drug formulary must be reviewed and certified each year by ProAct, Inc.
2. Once the formulary has been established for the year by ProAct, Inc. it will be effective on January 1<sup>st</sup> and may be modified with the following exceptions:
  - a. ProAct, Inc. may not move a prescription medication to a higher cost tier.
  - b. ProAct, Inc. may not remove any prescription medication from the formulary, unless the United States Food & Drug Administration rules that the prescription medication should be removed from the market as the result of safety concerns.
  - c. ProAct, Inc. may only impose new utilization management restrictions if the United States Food & Drug Administration issues a notice regarding safety concerns associated with the prescription medication.
  - d. ProAct, Inc. may move a prescription medication to a higher member cost share (deductible, coinsurance amount, or copayment) provided an AB-rated generic equivalent or an interchangeable biological product for such prescription medication is added to the formulary at the same time.

**PROACT, INC. GTCMHIC CLIENT SERVICE TEAM MEMO**  
**FROM: LOCEY & CAHILL, LLC**  
**DATE: MARCH 17, 2023**  
**PAGE: 2**

3. On or before October 1<sup>st</sup> of each year, ProAct, Inc. must provide the Consortium with a notice to be distributed to all covered members outlining any formulary changes which will be taking effect on January 1<sup>st</sup> of the next plan year. This notice must identify any prescription medications being removed from the formulary and any prescription medications which will include an increased member cost share (deductible, coinsurance, or copayment).

In an effort to avoid creating an unwieldy process by administering multiple formularies each year, the Consortium has chosen to not implement the following changes although outlined in this mandate as allowed by the NYS-DFS:

1. The prescription medication formulary could be altered to increase a prescription medication's cost share (deductible, coinsurance amount, or copayment) for any member not diagnosed with a condition treated by said medication, not already being treated by said medication, or not having a condition for which the medication would be part of the treatment regimen.
2. Agreeing to changes to the prescription medication formulary through the collective bargaining process between a municipality and a labor representation group ("union" or "collective bargaining group").

We hope the above provides ProAct, Inc. with the guidance necessary to properly implement and manage the prescription medication formulary for the Consortium. Please let us know if you have any questions or if we can provide any additional information or guidance in this regard.

We thank you for your time and cooperation on this most important matter.

# About us.

M&T Bank

M&T Bank Corporation is a financial holding company headquartered in Buffalo, New York. M&T's affiliates offer advice, guidance, expertise and solutions across the entire financial spectrum, combining M&T Bank's traditional banking services with the wealth management and institutional capabilities offered by Wilmington Trust. M&T Bank has a network of over 1,000 branches and 2,200 ATMs that span 12 states from Maine to Virginia and Washington, D.C.



## A Bank for communities

For more than 165 years, M&T has strived to take an active role in our communities and build long-lasting relationships with our customers. We are a bank for communities – combining the capabilities of a large bank with the care of a locally focused institution. Our purpose is to make a difference in people's lives and uplift the communities we serve.

## National and international reach

Through the combination of our traditional banking business, suite of specialty businesses and Wilmington Trust teams, our reach extends across the country and internationally. It allows us to be a bank for communities that can do more for its customers – pairing the capabilities of a big bank with the care and empathy of a locally focused institution.

## M&T Highlights:

- **Top 15 Bank.** One of the 15 largest U.S. based, commercial bank holding companies<sup>1</sup>
- **Strong Core Deposit Base.** M&T has a community-focused business model with a strong, well-diversified core deposit base, with no crypto deposits
- **Diverse Core Deposit Base.** M&T has a diversified mix of customers across a breadth of geographies with no significant concentration in any particular area
- **Strong Liquidity Position.** (meaning M&T has the ability to meet depositors' needs for cash). As of 12/31/22, M&T had \$25 billion in cash, representing 13% of total assets, compared to 5% for the median peer\* banks
- **Strong Core Capital.** M&T consistently maintains strong capital positions with capital levels significantly higher than regulatory requirements
  - M&T's Common Equity Tier 1 ratio of 10.4%, a measure used to assess a bank's safety and soundness, is the highest in our peer\* group—a phenomenon driven by our robust ability to generate capital
- **Strong Core Earnings Power.** (profitability). Our high level of core earnings is evidenced by our ability to be profitable over 186 consecutive quarters
- **#1 or #2 SBA Lender** in most of our larger communities, and Top 10 SBA lender nationally since 2009<sup>2</sup>
- **Highest Possible Community Reinvestment Act Rating** awarded by the Federal Reserve Bank of New York on every exam since 1982

## M&T by the numbers

<b>M&amp;T Bank</b>	<b>(Data as of 12/31/22)</b>
Total Assets	\$201 billion
Total Deposits	\$164 billion
Total Loan and Leases	\$132 billion
Total Shareholders' Equity	\$25 billion
Loans to Deposits	80.5%
Branches	Over 1,000
ATMs	Over 2,220
Customers	~5.2 million
Employees	22,000+
Charitable Contributions	\$47 million to more than 3,400 non-profit organizations

## Credit Ratings

<b>M&amp;T Bank Corporation</b>	<b>Moody's Investor Service</b>	<b>S&amp;P Global Ratings</b>	<b>Fitch Ratings</b>	<b>DBRS</b>
Long-term Issuer / Senior Debt Rating	A3	BBB+	A	A (high)
<b>Manufacturers &amp; Traders Trust Company</b>				
Long-term Deposit Rating	Aa3	A-	A+	AA (low)
Short-term Deposit Rating	P-1	A-2	F1	R-1 (middle)

Credit Ratings were last updated on November 22, 2022.

**For further details** on financial information and credit ratings for M&T Bank, please visit our Investor Relations website: <https://ir.mtb.com/>



\* Peer group data can be found in our 2023 Proxy Statement: <https://ir.mtb.com/financial-information/annual-reports>

1 Based on total assets, excluding certain non-U.S. bank holding companies and non-commercial banks

2 According to statistics released by the U.S. Small Business Administration (SBA) for total approved loans through the SBA's 7(a) lending program during the federal fiscal year ending 9/30/2022.

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## Account Protection and Safety

### What you should know about the safety of your financial accounts

#### **M&T Bank Corporation data** (as of 12/31/2022)

- \$201 billion in assets
- \$165 billion in assets under management<sup>1</sup>
- \$25 billion in shareholders' equity
- \$132 billion in loans and leases
- \$164 billion in deposits
- Tier 1 capital ratio: 11.8%
- Profitable for 186 consecutive quarters as of 12/31/22

We understand that knowing your assets are protected is extremely important, particularly during times of severe market volatility. In Corporate Trust, providing prudent financial solutions is one of our greatest responsibilities, and has been since our founding more than a century ago.<sup>2</sup> We are proud to be part of the M&T corporate family, one of the 15 largest U.S.-owned, commercial bank holding companies.<sup>3</sup>

There are certain types of accounts available for safekeeping—and some for potential growth—of your valued assets. The type of account you select depends on your individual needs and circumstances, as well as your desired long-term objectives and tolerance for risk. The following information provides an overview of the security of some of the types of financial accounts that are available.

#### **Trust and fiduciary accounts**

Assets held by Wilmington Trust and M&T Bank entities in trust and fiduciary accounts, other than cash, are not considered assets or liabilities of Wilmington Trust and M&T Bank; they are owned by the individuals or entities for whose benefit we are acting as a trustee or fiduciary. While we may provide investment management, administration, and other services for the account, the assets belong to the client. Trust and fiduciary assets are segregated from Wilmington Trust and M&T Bank's assets and are not subject to the claims of third-party creditors of Wilmington Trust and M&T Bank. Non-cash assets include, but are not limited to, balances held in mutual funds, securities, bonds, annuities, limited partnership interests, and life insurance policies. These types of investment products are not insured by the FDIC. Cash held on behalf of Wilmington Trust and M&T Bank clients is covered by Federal Deposit Insurance Corporation (FDIC) insurance up to current FDIC insurance limits, as more fully detailed below.

#### **Custody accounts**

Securities and other assets, other than cash, that are held by Wilmington Trust and M&T Bank entities for safekeeping in custody accounts are not considered assets or liabilities of Wilmington Trust and M&T Bank and cannot be reached by any creditors of the institution. The assets remain the property of the owner, whether they are registered in an individual's name, Wilmington Trust or M&T Bank's name, or in nominee name. We simply act as custodian, holding such assets on the client's behalf and performing duties such as collecting dividends and interest, and others, at the direction of the client. Cash held on behalf of Wilmington Trust and M&T Bank clients in custody accounts is covered by FDIC insurance up to current FDIC insurance limits, as more fully detailed below.

Continued

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## Brokerage accounts

Generally, “securities” that are held by a broker-dealer are protected under the Securities Investor Protection Corporation (SIPC); those few that are not protected by SIPC must disclose this fact to their customers. The Securities Investor Protection Act defines “securities” for purposes of SIPC coverage, but generally includes stocks, bonds (including municipal bonds), mutual funds (including money market mutual funds), brokered certificates of deposit, and in certain situations, variable annuities. SIPC covers up to \$500,000 per unique customer (determined by tax ID), up to \$250,000 of which can be cash. In addition, many broker-dealers maintains excess of SIPC protection for assets that exceed current SIPC limits.

Of note, SIPC coverage and excess SIPC coverage do not cover a decline in the market value of a client’s investments. They provide coverage in the unlikely circumstance that a broker-dealer is being liquidated under the Securities Investor Protection Act. An excess SIPC claim would only arise if a broker-dealer failed financially and client assets for covered accounts—as defined by the SIPC—cannot be located due to theft, misplacement, destruction, burglary, robbery, embezzlement, abstraction, failure to obtain or maintain possession or control of client securities, or to maintain the special reserve bank account required by applicable rules. Additionally, these protections do not cover limited partnerships and other securities, such as hedge funds, private equity, Delaware business trusts, and other alternative interests. For more information on details and limitations on SIPC’s coverage, please visit the SIPC website at [sipc.org](http://sipc.org).

## Deposit accounts and cash held by M&T bank

Deposit accounts (including checking, savings, certificates of deposit, and uninvested cash held as trust demand deposits) that a client may have are covered by FDIC insurance up to \$250,000 per depositor, per FDIC insured bank, per FDIC ownership category. Deposits held in different FDIC ownership categories are separately insured, up to at least \$250,000, even if held at the same bank.

Funds in deposit accounts that are in excess of FDIC insurance limits are considered liabilities of M&T Bank and would be subject to the claims of M&T Bank’s creditors. As always, the FDIC does not insure investments nor does it cover losses in principal value of assets held in stocks, bonds, mutual funds, life insurance policies, annuities, municipal bonds, or other investments. For more information and limitations on FDIC coverage, please visit the FDIC website at [fdic.gov](http://fdic.gov).

## Financial strength of Wilmington Trust and M&T Bank

During times of turmoil it is critical to have confidence in your firm. As a member of the M&T corporate family, Wilmington Trust is part of an organization that has historically separated itself from the rest when times are challenging. As one of only two banks in the S&P 500 index that did not cut their dividend during the 2008 financial crisis, M&T gives you confidence that you are working with a firm that has been standing strong through times both good and bad for 165 years.

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<sup>1</sup> Assets under management data are calculated in the aggregate, and include assets managed by various Wilmington Trust entities, including M&T Bank, Wilmington Trust Company, Wilmington Trust, N.A., Wilmington Trust Investment Advisors, Inc., Wilmington Funds Management Corporation, and Wilmington Trust Investment Management, LLC.

<sup>2</sup> Wilmington Trust traces its roots to the founding of Wilmington Trust Company in 1903.

<sup>3</sup> S&P Global Market Intelligence as of December 31, 2022. Methodology excludes subsidiaries of foreign bank parents, investment banks, credit card companies, insurance company subsidiaries, brokers, and asset managers.

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This document is not designed or intended to provide financial, tax, legal, accounting, or other professional advice since such advice always requires consideration of individual circumstances. If professional advice is needed, the services of a professional advisor should be sought. This document is for informational purposes only; it is not intended as a recommendation, offer, or solicitation with respect to the purchase or sale of any security.

**Investment products are not insured by the FDIC or any other governmental agency, are not deposits of or other obligations of or guaranteed by Wilmington Trust, M&T Bank, or any other bank or entity, and are subject to risks, including a possible loss of the principal amount invested.**

Wilmington Trust is a registered service mark used in connection with various fiduciary and non-fiduciary services offered by certain subsidiaries of M&T Bank Corporation including, but not limited to, Manufacturers & Traders Trust Company (M&T Bank), Wilmington Trust Company (WTC) operating in Delaware only, Wilmington Trust, N.A. (WTNA), Wilmington Trust Investment Advisors, Inc. (WTIA), Wilmington Funds Management Corporation (WFMC), and Wilmington Trust Investment Management, LLC (WTIM). Such services include trustee, custodial, agency, investment management, and other services. International corporate and institutional services are offered through M&T Bank Corporation’s international subsidiaries. Loans, credit cards, retail and business deposits, and other business and personal banking services and products are offered by M&T Bank, Member FDIC.