



CARR ALLISON MEDICARE COMPLIANCE NEWSLETTER

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MSPRC Releases Policy Changes Regarding Medicare Recovery

The Medicare Secondary Payer Recovery Contractor (MSPRC) is the national contractor for Medicare recovery and handles conditional payment claims for both group and non-group health plans. Effective October 1, 2009, the "Rights and Responsibilities" letter, formerly the "Right of Recovery" letter issued by the Coordination of Benefits, will now be generated by MSPRC. This letter will automatically be sent to the Medicare beneficiary when a claim for liability insurance (including self-insurance), no-fault insurance, or workers' compensation is reported to Medicare.

In workers' compensation and no-fault cases, if an agent is hired to handle conditional payment claims, proof of representation authorizing the agent to obtain information on behalf of the insurer/carrier must be provided to MSPRC before information will be released to the agent. A consent to release form executed by the claimant is no longer required in workers' compensation cases to research conditional payment claims but will still be required to verify the claimant's public benefits status and if appropriate, to obtain review and approval of a Medicare Set-aside from CMS.

In liability cases (including self-insurance), information will not be provided without a consent to release form executed by the Medicare beneficiary. In addition to the consent form, if the liability insurer/carrier hires an agent to handle conditional payment claims, proof of representation must also be provided.

MSPRC expects to issue the initial conditional payment letter within 65 days after the injury is reported to Medicare. Conditional payment letters will be sent periodically to all authorized entities until the claim is resolved. Additional information regarding the policies and examples of the above-referenced documents can be found at the MSPRC website (www.msprc.info).

Electronic Submission of MSA Proposals

In an attempt to update the Medicare Set-aside (MSA) review process, CMS has stated that an internet web-based portal is being developed to accept electronic MSA submissions. The announcement was released on the Workers Compensation Agency Services website and a brief teleconference was held to further discuss the project. Although the internet submissions will not be available until 2011, or possibly later, early talks suggest that the system will work similar to the Section 111 Reporting. Intended users of the site will need to register to process submissions and will receive feedback from CMS via email regarding receipt of documents and requests for additional information. Users will also be able to track the progress of submissions online and will be able to access related documents published by CMS. The process will only be offered for Workers' Compensation Medicare Set-asides initially. Liability cases will follow the existing procedure of review, when available, by the appropriate Regional Office. Hopefully, the new system will dramatically expedite the existing review process by eliminating the delay in CMS' receipt and processing of documents. We will continue to monitor the program for new developments and will publish information as it becomes available.

Alabama State Bar Association rules require the following disclosure: "No representation is made that the quality of legal services to be performed is greater than the quality of legal services performed by other lawyers."

CARR ALLISON

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