



Washington Self-Insurers Association

“Employer Tools of the Trade and Best Practices in Tough Economic Times”

Medicare Medicaid and SCHIP
Extension Act and the Mandatory
Insurer Reporting Requirements

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Introduction

- The Ingredients
 - Center for Medicare Services (CMS)
 - Medicare Secondary Payer Act (MSP)
 - Section 111, Medicare, Medicaid & SCHIP Act of 2007 (MMSEA)



History

- Medicare 1965
 - Purpose
 - Problem
- Medicare Secondary Payer Act 1980
 - Purpose
 - Problem
- Medicare Set-Aside 2001
- The Medicare Modernization Act of 2003
 - Purpose
- Statistics published by the Center for Medicare Services in 2005
- Section 111, of the Medicare, Medicaid & SCHIP Act of 2007



Present

- Overview of where we are
 - MSP vs MMSEA
 - Purpose
- General Requirements
 - MSP
 - MMSEA
 - Report
 - Protect
 - Fines
 - Damages



Concerns for the Industry:

- Determination of Responsible Reporting Entity Status
- Assess and assign exposure
- Exam internal protocols and strategies for investigating and documenting claims
- Exam protocols and strategies for evaluating, reserving and settlement of claims
- Impact on litigation of cases



Responsible Reporting Entity

- Definition
- Registration
 - Timing
 - Elements



Assess and Assign Liability

- Identify the players
- Responsibility for fines
- Renewals



Exam internal protocols and strategies for investigating and documenting claims

- Is less more?
- Determination of exposure
- New claim handling protocols
 - Query function
 - Claimant is not a medicare recipient
 - Claimant is a medicare recipient



Exam protocols and strategies for evaluating, reserving and settlement of claims

- Protection of Center for Medicare's interest
- Timing of settlements
- Contingent agreements
- Future exposure
- Thresholds
- Releases
- Hardship application



Litigation

- Burden upon defense bar
- Burden upon plaintiff's bar
- Mediation/contingent agreements
- Trial and judicial system



General Issues:

- Recent extensions from Center for Medicare Services
- Issues relating to worker's compensation and ongoing responsibility for medical treatment
- CMS alerts
- Document retention protocols
- Statute of Limitations for Federal Claims



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