





Thing	s to Consider
	What kind of benefits is your client receiving?
	Are there any outstanding medical liens?
	Has Medicare paid for any treatment related to your case?
	What does future medical care look like?
	Is your client prepared to manage their future medical care
	Are you protecting your client's future Medicare benefits





## Complying with the MSP Statute is Mandatory

- Complying with the MSP statute regarding past and future medicals is not limited to WC claims
   CMS Stalcup Memo 5/25/11
- - The law requires that the Medicare Trust Funds be protected from payment for future services whether it is a WC or liability case. There is no distinction in the law
  - here is no formal CMS review process in the liability arena as there is for WC. However, CMS does expect the funds to be exhausted on Medicare overed and attentives reimbursable services related to what was claimed and/or released before Medicare is ever billed.
  - Each attorney is going to have to decide, based on the specific facts of each of their cases, whether or not there is funding for future medicals and if so, a need to protect the Trust Funds





## **How Will Medicare Find Out About** the Settlement?

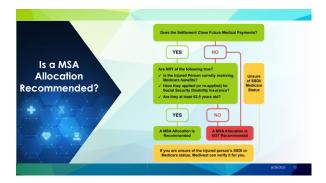
- Effective July 1, 2009, the MMSEA requires that "applicable plans" must first determine whether a claimant finctuding an individual whose claim is unresolved is entitled to Medicare benefits. The primary payer must then report the "required information," once the case is resolved, to the Secretary of the Dept, of Health and Human Services (Secretary of HHS) in the "form, manner, and frequency" the Secretary of prescribes. (CMS is a regulatory body under HHS).
- If this information is not provided to Medicare in the form, manner, and frequency requested, Medicare may impose a fine of up to \$1000 per day, per claimant, as Civil Monetary Penalties (CMP's)
- The public comment period closed at the end of April 2020 on CMS's Proposed Rule Making for regulations that will implement the MSP's CMP provision, so these regulations are expected to be released soon



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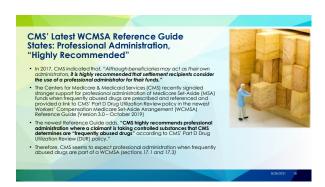


MSA account	nuity fund an	WITH RINGLER
	MEDICARE SET-ASIDE ARE	RANGEMENT
Exhaustion Amount (Total MSA) is \$170,971     Seed Money is \$21,596     Annual Payment is \$5,975	Claimant: JOHN DOE Date of Birth: 09/15/65 Gender: Male	EXPECTED
<ul> <li>Annual Payment is \$5,975</li> <li>Cost is \$120,370</li> </ul>	BENEFIT	COST YIELD
Savings with an annuity versus paying the MSA as a lump sum is \$50,601	MSA Seed MSA Seed MSA Allocation	\$21,596.00 \$21,596.00
Discount is 29%	Annual Income To Begin one year from funding date. \$5,975.00 per year payable 25 years, only if living.	\$98,774.00 \$149,375.00
	TOTALS	\$120,370.00 \$170,971.00

٠	A Rated Age is an actuarial calculation, or a "impoired risk rating" which estimates that a given plaintiff may not live a normal lifetime.
•	Rated Ages can be obtained using medical records from within the last <b>two years</b> which show medical conditions or history, or habits of the Claimant, which may reduce their life expectancy.
	Medical History: Hypertension, Esophageal reflux, Chronic low back syndrome.  Surgical History: Laminectomy , Falled SCS trial at Layola , Nevro spinal cord stimulator implantation 11/716.
	Hospitalization/Major Diagnostic Procedure: Denies Past Hospitalization.  Family History: No Family History documented
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## **CMS Requirements**

- Funds must be placed in an interest-bearing account (CMS Self-Administration Letter)
- A professional administrator must forward annual accounting statements to CMS (7/31/01)
- MSA funds should only be used for Medicare covered, case related items
- A person may self-administer his/her own MSA, but all the rules and regulations are the same (4/22/03)
- An annual self-attestation letter is required for self-administered MSAs
- Administration fees and attorney fees cannot be charged to the MSA account (5/7/04)

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## Food for Thought On the Horizon Lowsults currently taking place over past payments (liend - might sait be trought for part-selfement conditional payments in Ver or indexity? ProAdmin: The Key to MSP MSP Compliance heavy, weighted toward administration is the key If No MSA Then What? If No MSA Then What? MASA are not manadony bed are often the most offer the



