

MSA Insider



Getting You to Settlement

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Your Premiere Compliance Solution

MedAllocators MSA Resolution Unit Targets High MSA Counter-Highers & Development Letters

As a result of high MSA counter-highers by CMS and numerous post-submission requests by CMS for updated medical records and prescription information, MedAllocators introduced the MSA Resolution Unit earlier this year. The purpose of the Unit is to obtain updated and recent medical and prescription documentation as well as to clarify future medical treatment and prescription needs of the claimant prior to the MSA being submitted to CMS. This is critical to having an MSA successfully approved by CMS without delay and limiting the risk of a counter-higher. The Unit, headed by MedAllocators' Compliance Director, Dan Anders, Esq. is staffed with professionals who have extensive experience in addressing the medical and pharmacy questions which commonly arise in MSAs submitted to CMS for approval. These Resolution Coordinators work with the adjuster, defense attorney, claimant attorney and treating physicians to obtain the necessary documentation prior to the MSA being submitted to CMS.

Since the initiation of the MSA Resolution Unit, our clients who have chosen to use this service have seen on average a 66% reduction in the potential for an MSA counter-higher. This translates into \$7.5 million since February 2011. Further, successful efforts by the Resolution Unit in obtaining the necessary updated or clarified medical records or prescription documentation means our client has a clear and concise outlook on CMS approval expectations. This results in the MSA being submitted to CMS 80% of the time, twice the level of MSAs where this documentation is not obtained.

MedAllocators Joins Medicare Advocacy Recovery Coalition (MARC)

MedAllocators is pleased to announce it has joined the Medicare Advocacy Recovery Coalition (MARC). Since MARC's formation in 2008 MedAllocators has supported the efforts of MARC through its sponsorship of the National Alliance of Medicare Set-Aside Professionals (NAMSAP), a MARC supporter. MARC was formed to advocate for the improvement of the Medicare Secondary Payer program for beneficiaries and affected companies. Formed by a group of entities in the regulated community, the Coalition has been collaborating and developing strategic alliances with Congressional leaders and government agencies to focus on broader Medicare Secondary Payer (MSP) reform. MARC's membership is comprised of entities representing virtually every sector of the MSP regulated community including attorneys, brokers, insureds, insurers, insurance and trade associations, self-insureds and third-party administrators.

MARC's major initiative is The Strengthening Medicare and Repaying Taxpayers (SMART) Act – H.R. 1063 which is currently pending in the U.S. Congress. Some of the major provisions of the SMART Act are as follows:

- ◆ Require Medicare to provide a final conditional payment amount prior to settlement as opposed to now where it can only be obtained post-settlement.
- ◆ Implement a low dollar threshold below which Medicare would be prohibited from recovering conditional payments.
- ◆ Provide a safe harbor for Responsible Reporting Entities who make good faith efforts at complying with Section 111 Reporting such that they are not fined \$1,000 per day for non-compliance.
- ◆ Instead of Social Security numbers, require Medicare to find an alternative method of identifying individuals so that carriers and other entities do not have to request this information.
- ◆ Creating a statute of limitations on MSP claims.

CMS Releases ICD-9-CM Version 29 codes

CMS recently released ICD-9-CM Version 29 codes which will be effective for Section 111 Reporting starting October 1, 2011. Section 111 Reporting requires at least one valid injury code and one valid diagnosis code be reported to CMS. CMS releases new versions of the ICD-9-CM codes every year. Starting on October 1, 2011 Version 29 will be valid as well as past Versions 25, 26, 27 and 28 for Section 111 Reporting. (This is with the exception of V codes and certain other excluded codes which can be found in the MMSEA Section 111 User Guide, Version 3.1).

To see ICD-9-CM Version 29 along with earlier versions please visit:

[https://www.medallocators.com/
cmsmemos.php](https://www.medallocators.com/cmsmemos.php)

If you would like more information about the above items please contact your dedicated Account Executive.