

Cambridge Galaher Solutions for the Insurance Industry

Medicare Set-Aside Arrangements



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Compliance Is Mandatory. Consequences are Harsh. Help Is Here.



When it comes to Medicare Set-Asides, there are no ifs, ands, or buts. In all workers' compensation claims, the Center for Medicare Services (CMS) mandates the need to consider a Medicare Set-Aside (MSA) arrangement. It's the law. Failure to comply can have serious consequence.

Cambridge Galaher is committed to leaving nothing relating to MSA regulation up to chance.

In line with your corporate best practices and your best interests, we can assist you with complete adherence to every component of this critical piece of federal legislation. The issue is of such great importance, that many clients have partnered with us to be their full-service vendor of choice for MSA related issues.

Law and Consequences

The federal law is intended to protect Medicare's interests in settling workers' compensation cases involving future medical expenses that might have an impact on Medicare payments to a claimant. Medicare has specific guidelines for protecting its interest which, in turn, creates specific responsibilities for all involved in a claim that has MSA implications.

The consequences for failure to abide by the regulations can be extremely harsh for all parties, including the claimant, the employer, both defense and plaintiff attorneys, the insurer, and the third party administrator.

The severity of the consequences extends to fines, other penalties, and legal exposure across numerous fronts. Moreover, there is no statute of limitations on when Medicare can go back and review a claim. Therefore, ignorance of the law or process is not a defense.

Serious Business

CMS, which administers the program, is unconditionally serious about ensuring compliance with MSA regulations. You should be too. With the number and magnitude of the claims you manage that have MSA

implications, the potential risk and consequences of non-compliance for your clients and your company are simply too great to require anything other than absolute adherence to the letter of the law.

Serious Help

The seriousness of the MSA issue is why you should consider working with Cambridge Galaher. Our sole mission is to serve our clients' best interests by assisting in analyzing claims according to the MSA guidelines, and to provide hands-on assistance in completing the

necessary processes and procedures to ensure compliance.

Although other organizations provide various levels of MSA services, Cambridge Galaher has been chosen as the provider of choice by many companies because of our proven expertise, depth of knowledge, experience in all MSA issues and processes, highly competitive price structure, emphasis on cost savings through structured settlements, and undivided attention to our clients' needs.

The MSA Process

When is an MSA required?

Simply put, there is no more room for interpretation. Within the guidelines, analysis of all workers' compensation claims is mandatory so that an allocation can be completed. Note that there is a difference between making an MSA allocation and getting CMS approval. In general, the guidelines are:

- MSA allocations are required on all WC cases where the claimant is Medicare eligible.
- CMS recommends submission of an MSA to CMS for approval for all cases \$25,000 and above which involve a claimant who is currently a Medicare recipient.
- CMS recommends submission of an MSA to CMS for approval for all cases \$250,000 and over where the claimant is reasonably likely to be a Medicare recipient within 30 months.

Considering the answers to the following questions can help determine whether or not a settlement requires an MSA:

- Is the claimant currently a Medicare recipient?
- Is there a reasonable expectation that the claimant will be a Medicare recipient within 30 months and is the settlement \$250,000 or greater?
- Has the claimant applied for Social Security Disability Income (SSDI)?
- If applied for and denied, is there an appeal?
- Is the claimant age 62 years or older?
- Is the claimant in End-Stage Renal Disease (ESRD)?

The complexity of the MSA processes, the stringency of the law, and the consequences for non-compliance make Cambridge Galaher an extremely critical enhancement to your ongoing efforts to provide the highest quality, most cost effective client service and benefits possible.

Full Service and Ongoing Support



Cambridge Galaher offers a full complement of MSA services and a total commitment to ongoing support for all MSA related needs, including:

- Training and assistance in Medicare Set-Aside identification and consideration.
- On-site review of files, including information gathering for written analyses.
- Medicare lien search and securing of age ratings.
- Written analysis for Medicare allocation.
- Submission of written proposal to local CMS office for approval.
- Assistance in establishing custodial accounts where appropriate.
- Structured settlement proposals for cost analysis of Medicare Set-Asides.

MSA

Get Serious about MSA Compliance Today!

To help determine if you are in compliance with the MSA law or if you know you need immediate assistance, contact Cambridge Galaher at:

312.381.8317

or

askMSA@cambridge-na.com



Cambridge Galaher Settlements
312.381.8317

www.cambridgegalaher.com